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TUESDAY, JUNE 15, 1976

highlights

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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

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

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

Comments on this trial program are invited. 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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Title 3—The President

Proclamation 4445 • June 11, 1976

Temporary Quantitative Limitation on the Importation Into the United States of Certain Articles of Stainless Steel or Alloy Tool Steel

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251 (d)(1)), hereinafter referred to as "the Trade Act", the United States International Trade Commission, hereinafter referred to as "USITC", on January 16, 1976, reported to the President (USITC Report 201–5) the results of its investigation under subsection (b) of section 201 of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that certain articles of stainless steel or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry or industries producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of certain quantitative restrictions on imports of the above specified articles.

2. On March 16, 1976, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury or threat thereof, found to exist by the USITC, through the negotiation of orderly marketing agreements pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)); and announced my intention to negotiate such agreements limiting the export from foreign countries and the import into the United States of certain articles of stainless steel or alloy tool steel. I also announced my intention to unilaterally impose quantitative restrictions if satisfactory orderly marketing agreements were not negotiated successfully. On March 16, 1976, in accordance with Section 203(b)(1) of the Trade Act (19 U .S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to negotiate orderly marketing agreements and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief shall be proclaimed and take effect within 90 days after a Presidential determination to negotiate orderly marketing agreements under subsection (4) or (5) of section 203(a) of the Trade Act (19 U.S.C. 2253(a) (4), (5)).

4. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)), an orderly marketing agreement was concluded on June 11, 1976, between the Government of the United States of America and the Government of Japan limiting the export from Japan and the import into the United States of certain articles of stainless steel (except razor blade steel) or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the TSUS, to be implemented as set forth in this proclamation.

5. Agreements not having been reached with other countries, I am also providing import relief, pursuant to section 203(a)(3) and (5), (e)(1) and (g)(2) of the Trade Act (19 U.S.C. 2253(a)(3) and (5), (e)(1) and (g)(2)), through the imposition of quantitative restrictions on the import into the United States (except as provided for in paragraph 4 above) of certain articles of stainless steel or alloy tool steel as hereinafter proclaimed.

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253 (d)(2)) I have determined that the level of import relief hereinafter proclaimed pursuant to section 203(a) of the Trade Act (19 U.S.C. 2253(a)) permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States in the 1971–1975 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253) and section 301 of title 3, United States Code, and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) An orderly marketing agreement was entered into on June 11, 1976, between the Government of the United States of America and the Government of Japan with respect to the trade in certain articles of stainless steel or alloy tool steel. Said orderly marketing agreement is to be implemented, according to its terms, as set forth in paragraphs (5), (6), (7) and (8) of this proclamation, and in the Annex to this proclamation.

(2) Items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07 and 609.08 in Part I of Schedule XX to the GATT are modified to conform with the quantitative restrictions set forth in the Annex to this proclamation.

(3) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(4) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate and conclude orderly marketing agreements with respect to products covered by this proclamation with any country or instrumentality, imports from which are subject to restrictions under this proclamation, and to suspend the effectiveness, in whole or in part, of such quantitative restrictions on imports from those countries is hereby delegated to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative").

(5) The Special Representative is hereby directed to take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment, or termination of the agreement described in paragraph (1) of this proclamation, and any subsequent agreement or agreements negotiated pursuant to paragraph (4) of this proclamation, including modifications or amendments thereof. In order to carry out said directive, the special Representative is hereby authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of said agreement or agreements. The Special Representative is hereby authorized to make any changes in part 2 of the Appendix to the TSUS which may be necessary to carry out said agreement or agreements, such changes to be effective on or after the date of their publication in the FEDERAL REGISTER.

(6) The authority to make changes in the quantitative restrictions provided for in this proclamation, as set forth in the Annex to this proclamation, is hereby delegated to the Special Representative.

(7) The Commissioner of Customs shall take such action as the Special Representative shall direct to carry out the agreement described in paragraph (1) of this proclamation and any subsequent agreement or agreements negotiated pursuant to paragraph (4) of this proclamation, or any modifications thereof, with respect to entry or withdrawal from warehouse, for consumption in the United States of products covered by such agreement or agreements.

(8) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and before the close of June 13, 1979, unless the period of its effectiveness is earlier expressly modified or terminated.

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

Gerald R. Ford

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following new headnote 2:

"2. *Quantitative limitations on stainless steel and alloy tool steel.*—The provisions of this headnote apply to items 923.20 to 923.24, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 2B.

(a) *Definitions.*—For the purposes of this subpart—

(i) the term *"restraint period"* refers to a 12-month period beginning June 14 in one year and ending at the close of June 13 of the following year;

(ii) the term *"European Economic Community"* refers to an instrumentality of the Governments of Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom;

(iii) the term *"alloy tool steel"* in item 923.24 refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

not less than 1.0% carbon and over 11.0% chromium; or

not less than 0.3% carbon and 1.25% to 11.0% inclusive chromium; or

not less than 0.85% carbon and 1% to 1.8% inclusive manganese; or

0.9% to 1.2% inclusive chromium and 0.9% to 1.4% inclusive molybdenum; or

not less than 0.5% carbon and not less than 3.5% molybdenum; or

not less than 0.5% carbon and not less than 5.5% tungsten;

(iv) the term *"razor blade steel"* in item 923.20 refers to stainless steel strip not over 0.010 inch in thickness and not over 0.9 inch in width, containing by weight not less than 0.6 percent and not over 0.75 percent carbon, and containing by weight not less than 11.5 percent and not over 14.7 percent chromium, certified at the time of entry to be used in the manufacture of razor blades.

(b) *Timing.*—No more than 60 percent of the respective aggregate quantity of articles provided for in item 923.20, 923.21, 923.22, 923.23 or 923.24, the product of a foreign country or instrumentality, may be entered during the first 6 months of any restraint period.

(c) *Shortfall.*—During the last 3 months of a restraint period, should the Special Representative for Trade Negotiations determine that any quota quantity for a country or instrumentality under an item hereof is unlikely to be used during that restraint period, the Special Representative may modify the quota quantities for that item during such restraint period to reallocate the shortfall to other suppliers, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. A shortfall shall be considered likely when, inter alia, less than 66⅔% of the quota quantity is entered in the first 9 months of a restraint period or less than 80% of the quota quantity is entered in the first 10 months of a restraint period.

(d) *Allocation.*—If the Special Representative determines that it is necessary or appropriate, to assure equitable treatment, he may allocate or reallocate a specific quota quantity to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country groupings), either on an item by item basis, or for all items.

(e) *Carryover.*—Whenever the quota quantity or base limit, whichever is less, specified for an item for importation from Japan has not been entered during any restraint period, the shortfall may be entered in the same item during the first 30 days of the following restraint period and not be counted against the quota quantity therefor, provided that the amount of shortfall so entered does not exceed 4 percent of the base limit as specified in the table in headnote 2(f), for the restraint period during which the shortfall occurs. If in accordance with the provisions of headnote 2(f) all or part of a base limit of any item for Japan has been reallocated to the base limit of one or more other items for Japan, such amounts will not be considered a shortfall, and therefore not available for carryover.

(f) *Adjustments.*—Upon appropriate request of the Government of Japan for an adjustment of the quota quantities between items as provided for herein, the Special Representative shall modify the provisions of this subpart accordingly, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. The modification in the quota quantities for imports from Japan cannot exceed the percentage of the respective base limits shown below and must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period.

Item	Restraint periods					
	June 14, 1976–June 13, 1977		June 14, 1977–June 13, 1978		June 14, 1978–June 13, 1979	
	Base limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase
	1,000 s. tons	*Percent*	*1,000 s. tons*	*Percent*	*1,000 s. tons*	*Percent*
923.20.....	38.6	10	38.9	10	39.8	10
923.21.....	5.6	1	5.9	1	6.3	1
923.22.....	13.0	1	14.0	3	14.5	3
923.23.....	5.7	1	5.9	3	6.0	3
923.24.....	3.5	1	3.7	3	3.8	3

(g) *United States International Trade Commission (USITC) surveys.*—The USITC shall conduct mandatory surveys with respect to products of the types subject to import restraints under each item involved as follows:

(i) *Quarterly.*—Surveys by calendar quarter to obtain from domestic producers monthly data on production, shipments, prices, employment, and man-hours. The initial surveys shall cover the fourth quarter of 1975 and the first two quarters of 1976; subsequent surveys will cover individual quarters; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import restraints. The USITC shall publish the results of these surveys within 45 days (as soon a feasible and not later than 60 days in the case of prices) of the end of a quarter. Such surveys will be conducted monthly, upon written request of the Special Representative to the USITC, if the Special Representative determines that monthly reporting is necessary.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, orders, and inventories, and annual data on capital expenditures, capacity, and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the fourth quarter of 1975 and calendar year 1975, as appropriate, and calendar year 1976, and the results shall be published by March 31, 1977. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import restraints in this subpart are in effect."

(b) by inserting in numerical sequence the following new provisions:

"Item	Articles	Quota quantity (in short tons) effective on or after— June 14, 1976	June 14, 1977	June 14, 1978
	Whenever, in any restraint period the respective aggregate quantity of articles specified below for item 923.20, 923.21, 923.22, 923.23, or 923.24, the product of a specified foreign country or instrumentality, has been entered (whether, for tariff purposes, in schedule 6 or in parts 1, 2, and 5 of schedule 8), no article in such item the product of such country or instrumentality may be entered during the remainder of such restraint period:			
923.20	Sheets and strip of stainless steel (except razor blade steel) of the types provided for in items 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan	38,600	38,900	39,800
	European Economic Community	15,800	16,300	16,600
	Canada	8,800	8,900	9,200
	Sweden	6,700	7,100	7,400
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	2,600	2,800	2,900
	Other (total)	3	3	3
923.21	Plates of stainless steel of the types provided for in items 608.85 and 608.88:			
	Japan	5,600	5,900	6,300
	European Economic Community	2,900	3,000	3,100
	Canada	400	500	500
	Sweden	3,300	3,400	3,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	700	700	700
	Other (total)	None	None	None
923.22	Bars of stainless steel of the types provided for in item 608.52:			
	Japan	1,300	14,000	14,500
	European Economic Community	2,500	2,600	2,700
	Canada	1,500	1,600	1,700
	Sweden	1,500	1,500	1,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	5,100	5,200	5,300
	Other (total)	2	2	2
923.23	Wire rods of stainless steel of the types provided for in items 608.76 and 608.78:			
	Japan	5,700	5,900	6,000
	European Economic Community	7,400	7,600	7,900
	Canada	None	None	None
	Sweden	4,000	4,100	4,200
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	None	None	None
	Other (total)	None	None	None
923.24	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan	3,500	3,700	3,800
	European Economic Community	3,400	3,500	3,600
	Canada	1,900	2,000	2,000
	Sweden	8,500	8,600	8,700
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	3,600	3,700	3,800
	Other (total)	6	6	6";

[FR Doc.76-17571 Filed 6-11-76;4:45 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective June 15, 1976, § 213.3360(a) is amended as set out below:

§ 213.3360 Consumer Product Safety Commission.

(a) Two Special Assistants, one Director of Congressional Relations, and one Public Information Officer to the Chairman.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–17395 Filed 6–14–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Staff Assistant to the Assistant Secretary for Legislative Affairs is excepted under Schedule C.

Effective June 15, 1976, § 213.3384 (a) (60) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(60) One Staff Assistant to the Assistant Secretary for Legislative Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958, Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–17393 Filed 6–14–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Director, Women's Bureau is reestablished under Schedule C.

Effective June 15, 1976, § 213.3315 (f) (2) is amended as set out below:

§ 213.3315 Department of Labor.

* * * * *

(f) *Women's Bureau.* * * *

(2) Two Special Assistants to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–17394 Filed 6–14–76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Revision of Conduct Regulations

Part 0, Subtitle A, Title 7, Code of Federal Regulations, is amended to provide more specific guidance to USDA employees to enable them to act in a manner that will not create the appearance of a conflict of interest, and to clarify and update certain provisions, as follows:

Subpart A—General Provisions

1. In § 0.735–2, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g) respectively.

2. In § 0.735–2, paragraph (c) is amended, and a new paragraph (d) added to read as follows:

§ 0.735–2 Definitions.

In this part:

* * * * *

(c) "Conflict of interest" means a situation in which a Federal employee's private interest, usually of an economic nature, conflicts with his or her Government duties and responsibilities.

(d) "Appearance of conflict of interest" means a situation where it could reasonably be concluded that an employee's private interest is in conflict with his or her Government duties and responsibilities, even though there may not actually be such a conflict.

* * * * *

3. In § 0.735–3, the first sentence of paragraph (a) is amended, paragraphs (b) and (e) are amended, and a new paragraph (f) is added to read as follows:

§ 0–735.3 Counseling and advisory service.

(a) The Assistant General Counsel, Legislation, Litigation, Research and Operations shall serve as the Department Counselor and designee to the Civil Service Commission on matters covered by the regulations in this part * * *.

(b) The Director of Personnel and the Chief, Security and Employee Relations Division, Office of Personnel, shall be Department Deputy Counselors.

* * * * *

(e) Each new employee shall be furnished at the time of hiring a copy of this part. Current employees shall be furnished a copy of these regulations within 90 days following issuance. Subsequent changes to these regulations will be furnished employees upon issuance. Each employee shall be reminded of the regulations in this part semiannually.

(f) The regulations in this part will be discussed with each employee annually in conjunction with the employee's performance evaluation. Each employee will certify on the performance evaluation form or other agency form that he or she has a copy of this part and has discussed it with his or her supervisor.

4. A new section 0.735–6 is added to read as follows:

§ 0.735–6 Responsibilities of supervisors.

(a) Supervisors, because of their day to day relationships with employees, are responsible to a large degree for maintaining high standards of ethics and conduct. They must become familiar with the regulations in this part and apply the standards to themselves and employees they supervise.

(b) Supervisors shall advise an employee who comes to them with questions on matters covered by these regulations, or as they consider appropriate, shall refer the employee or the questions to a Counselor designated in section 0.735–3.

Subpart B—Conduct and Responsibilities of Employees

5. Section 0.735–12 is amended to read as follows:

§ 0.735–12 Gifts, gratuities, entertainment, and favors.

(a) Except as provided in paragraphs (c) and (f) of this section, employees shall not solicit or accept, for themselves, or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, unusual discount, special consideration or any other thing of monetary value (including complimentary meals and beverages, tangible items, tickets and passes) from any interested party. An "interested party" is any person, firm, corporation, other entity, or an individual acting in behalf thereof, which:

(1) Has or is seeking to engage in, procurement activities or other contractual, business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the employee concerned.

(b) Gifts, gratuities, favors, entertainment, loans, unusual discounts, special considerations and any other thing of monetary value bestowed upon members of the employee's immediate family are considered to be the same as if bestowed upon the employee. Acceptance of items, no matter how innocently offered or accepted from "interested parties" may be a source of embarrassment to the Department and the employee involved, may affect the objective and impartial judgment of the employee, and may impair confidence of the public in the integrity of the employee and the Department.

(c) The restrictions in paragraph (a) of this section do not prohibit:

(1) Exchange of social gifts in an obvious family or personal relationship (such as those between the employee and parents, spouse, children, or close personal friends of the employee) when the circumstances make it clear that it is those relationships rather than the business of the "interested party" which are the motivating factors;

(2) Exchange of customary social courtesies which are wholly free of any embarrassing or improper implications, and which are of trivial value (e.g., soft drink or cup of coffee);

(3) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as automobile and home mortgage loans;

(4) Acceptance of unsolicited advertising or promotional material of clearly trivial value, such as: pens, pencils, note pads, calendars, and other things of nominal or trifling value. (Acceptance of gifts, such as meat products, alcoholic beverages, fruit baskets, boxes of candy, wallets, jewelry, and cuff links is, however, stricted prohibited);

(5) Acceptance of food and refreshments of nominal value on infrequent occasions when the interest of the Government is served by participation of Department employees in industry-sponsored activities at which a luncheon or dinner may be served, and where the discussion of matters of mutual interest to the Government and industry will take place.

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit the voluntary giving or acceptance of a gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided in 5 U.S.C. 7342. (All requests for acceptance of foreign decorations shall be forwarded through the Chief, Personnel Division, Foreign Agricultural Service, for the approval of the Chief of Protocol, Department of State.)

(f) Neither this section nor § 0.735–13 (a) precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel, and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his or her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits; nor does it allow an employee to be reimbursed for travel on official business under Agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).

6. Section 0.735–13 is amended to read as follows:

§ 0.735–13 Outside employment and activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment whether on his or her behalf, or for private individuals, firms, companies, institutions, or State or local Governments. Incompatible activities include but are not limited to:

(1) Outside employment or activity (including the acceptance of a fee, compensation, gift, payment of expenses or any other thing of monetary value) which may result in, or create the appearance of, a conflict of interest;

(2) Outside employment or activity which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner;

(3) Outside work or activity that takes the employee's time and attention during his or her official work hours;

(4) Outside work or activity which may be construed by the public to be official acts of the Department, or a nature closely paralleling the work of the Department;

(5) Outside work or activity which involves participation in a commercially sponsored broadcast, or which relates to a written discussion of policies or official work of the Department, unless authorized in advance by the Office of Communication;

(6) Outside work or activity which involves permission, or the appearance of permission to use an employee's name in the advertising of organizations commercializing the results of research conducted by the Department, regardless of any merits which such enterprises may appear to possess;

(7) Outside work or activity which may involve the use of information secured as the result of employment in the Department and to the detriment of the public service; and

(8) Any outside work or activity which may tend to bring criticism of, or cause embarrassment to the Department.

(b) Outside employment (including self-employment) is permitted to the extent that it does not conflict with other requirements of this part, or tend to create a conflict of interest, or appearance of conflict of interest, between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(c) Except as provided in paragraphs (c) (1) through (4) of this section, employees shall obtain advance approval for outside employment whether paid or unpaid. Each agency shall establish the approval level and shall advise each employee. A record of each approval shall be filed in the employee's official personnel folder. The term employment as used in this paragraph does not include:

(1) Memberships in, or volunteer work with, charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness and nonprofit organizations;

(2) Memberships in professional organizations;

(3) Performance of duties in the Armed Forces, Reserve or National Guard; and

(4) Unless required by Agency regulations, employment which obviously has no direct or indirect relationship with the Department.

(d) In considering requests for approval of outside employment, the following criteria should be applied:

(1) The provisions of applicable law;

(2) The policies incorporated in this part including the possibility of conflict of interest or appearance of conflict of interest;

(3) The general attendance record of the employee;

(4) The nature of the employee's official duties in relation to the nature of the duties which will comprise the outside employment; and

(5) The amount of time and hours of work required by the outside employment.

(e) Employees are specifically prohibited from acting as the agent of a foreign principal registered under the Foreign Agent's Registration Act (18 U.S.C. 219).

(f) No employee, whether in a duty or nonduty status, shall accept employment, with or without compensation, from any foreign government, corporation, partnership or individual without written prior approval from a counselor designated under § 0.735–3.

(g) It is the policy of the Department to grant permission to an employee to teach, lecture, or write including teaching, lecturing or writing, for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, provided:

(1) Prior written authorization is obtained from the Agency Head, or a counselor designated under § 0.735–3;

(2) Such teaching, lecturing, or writing is not performed at or for any educational institution or other organization that discriminates because of race, creed, color, sex, age, or national origin in the admission or subsequent treatment of students;

(3) Such teaching, lecturing, or writing is not dependent on information obtained as a result of his or her employment with the Department, except when that information has been made available to the general public or when the Agency Head or Agency Head's designee gives specific authorization for the use of nonpublic information in the public interest; and

(4) Such teaching, lecturing or writing is not otherwise incompatible with the provisions of this part.

(h) Articles prepared officially are the property of the Government, and authors thereof may not accept payment for such articles published in outside journals, magazines or newspapers.

(i) Employees may not accept honorariums for written articles, speaking engagements, or addresses on radio or television or other appearances performed as part of their official duties. This restriction on the acceptance of honorariums applies even if the government official endorses the check to a charitable organization or asks that the check be sent to a charitable organization.

(j) No employees, except special Government employees, shall accept compensation for services as consultants or advisors to any organization, public or private, in any manner which draws upon the experience, competence, or professional standing acquired or enhanced by or through their position in this Department unless they have received permission from their Agency Head. Special Government employees shall not use their employment with the Department for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for themselves or another.

7. Section 0.735–23 is amended by revising paragraph (c) and by adding paragraph (e) as follows:

§ 0.735–23 Miscellaneous provisions.

* * * * *

(c) Employees are obligated to give information to authorized representatives of the Department when called upon if the inquiry relates to official matters and the information is obtained in the course of employment or as a result of relationships incident to such employment. This shall include the furnishing of a signed statement. Failure to respond to requests for information or to appear as a witness in an official proceeding may result in disciplinary penalty. (Nothing herein shall be deemed to infringe upon an employee's right to invoke the protection of the Fifth Amendment to the Constitution with respect to self incrimination.)

* * * * *

(e) Employees shall not purchase products or receive services directly or indirectly from persons, firms, or establishments for which such employees conduct inspection, grading, or similar regulatory activities without the express approval of their supervisor. Supervisors shall utilize the following criteria in granting such approvals:

(1) Proximity of the employee to other retail outlets;

(2) The number of retail outlets in the commuting area;

(3) Whether the outlet is a sole source;

(4) Whether the firm is selling the item or service at the prevailing price to the general public as well as the employee; and

(5) Whether the outlet is open to the general public.

These amendments were approved by the Civil Service Commission on December 12, 1975, and are effective June 15, 1976.

EARL L. BUTZ,
Secretary.

JUNE 9, 1976.

[FR Doc.76–17281 Filed 6–14–76;8:45 am]

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

[Valencia Orange Regulation 530, Amendment 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 4–10, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 530 (41 F.R. 22550). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

§ 908.830 [Amended]

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.830 (Valencia Orange Regulation 530 (41 FR 22550) are hereby amended to read as follows:

"(i) District 1: 292,000 cartons;

"(ii) District 2: 358,000 cartons."

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

Dated: June 9, 1976.

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

[FR Doc.76–17304 Filed 6–14–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Designation of Attorneys

On page 8190 of the FEDERAL REGISTER of February 25, 1976, there was published a notice of proposed rulemaking to amend § 1807.1(e). Interested parties were given until March 26, 1976, to submit comments, suggestions or objections regarding the proposed amendment. All comments submitted with respect to the proposed amendment have been considered.

As a result of comments received, the use of a borrower's attorney who is not a designated attorney is now allowed under certain limited circumstances. It is further provided that any qualified attorney may apply for approval as a loan closer.

Accordingly, § 1807.1(e) as amended, reads as follows:

§ 1807.1 General.

* * * * *

(e) *Approval of attorneys.* The State Director is responsible for approving loan closing attorneys within his jurisdiction without any discrimination whatsoever. Any attorney who wishes to be approved should apply to the State Director on Form FmHA 427–14, "Agreement to Provide Loan Closing Services." This form must be properly completed and executed. The State Director will approve any qualified attorney who applies provided the attorney complies with the bonding and insurance requirements prescribed in § 1890t.2, (a)(1) (i) and (iv) of this Chapter. This approval will be for the county or area in which the attorney can provide the legal services required of the attorney by this Instruction. Only in a rare case will there be less than two attorneys designated in a county. The State Director, at his discretion may consult with the Office of the General Counsel and/or the local or State bar association as to the professional qualifications of a proposed designated attorney. In addition, a borrower, who prior to application for a loan has retained an attorney, may request that the attorney be approved for his loan. Such approval will be given for closing that particular loan by the County Supervisor if the attorney has the required bonding and insurance and to the best of the County Supervisor's knowledge the attorney is in good standing with the bar association. Subpart C of Part 1918 of this Chapter provides the method by which attorneys may be debarred.

* * * * *

Effective date: This amendment is effective on June 15, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

JUNE 8, 1976.

[FR Doc.76–17307 Filed 6–14–76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Changes in the Price Regulations for Natural Gas Liquids and Natural Gas Liquid Products

On October 15, 1975, the Federal Energy Administration ("FEA") issued a Notice proposing changes in the Mandatory Petroleum Price Regulations covering the prices of natural gas liquids and natural gas liquid products, including propane (40 FR 49105, October 21, 1975). Comments were invited from interested persons by November 3, 1975, and seventeen comments were received. A public hearing on the proposal was held November 6, 1975, at which approximately ten interested persons presented statements.

The October 15 Notice proposed several changes in the natural gas liquids price rules of Subpart K, to include provisions which were inadvertently omitted from Subpart K and to adapt existing provisions more specifically to gas plant operations. Because the proposals were intended to effect the same price policy reflected in the original provisions of Subpart K, they were proposed to be made effective as of January 1, 1975, the effective date of the Subpart (39 FR 44407, December 24, 1974).

The specific changes proposed in the October 15 Notice concerned:

The use of adjusted May 15, 1973 prices in sales of unfractionated natural gas liquids;

The use of an imputed May 15, 1973 price in sales of unfractionated natural gas liquids from "new" gas plants;

Increased non-product cost allowances in sales of unfractionated natural gas liquids;

An annualized computation of increased product cost recovery by natural gas liquid processors;

Certification of adjusted May 15, 1973 prices;

Use of imputed May 15, 1973 natural gas prices where a natural gas stream was not processed on May 15, 1973;

Continuation of the special propane rule for refiners of crude oil.

The October 15 Notice also requested comment on whether first sale prices for natural gas liquid products should be adjusted according to location of sale.

As discussed in more detail below, the proposals of the October 15 Notice are adopted substantially as proposed. No action is being taken with respect to the issue of whether first sale prices for natural gas liquid products should be adjusted according to location of sale. Although comment was requested on this issue, no specific proposal was made.

I. ADJUSTED MAY 15, 1973 FIRST SALE PRICES FOR NATURAL GAS LIQUIDS

In adopting Subpart K, FEA determined that the May 15, 1973 price levels of natural gas liquids and natural gas liquid products, which generally serve as a reference point under the price regulations, were in disequilibrium. Accordingly, a new § 212.164 was adopted, which permits the use of adjusted May 15, 1973 first sale prices for purposes of determining current lawful prices of natural gas liquid products and natural gas liquids. Section 212.164(a) specifies for natural gas liquid products adjusted May 15, 1973 first sale prices which may be used in lieu of actual prices on that date in all cases. However, as pointed out in the October 15 Notice, § 212.164(b) specifies for natural gas liquids an adjusted May 15, 1973 first sale price which may be used in lieu of actual prices on that date *only* "* * * if the first sale price [for natural gas liquids] was determined on May 15, 1973 by reference to first sale prices of natural gas liquid products, less a specified percentage or amount to take into account the costs of further processing needed before the natural gas liquids could be sold separately as natural gas liquid products * * *."

FEA proposed to amend § 212.164(b) to make clear that the adjusted May 15, 1973 first sale price for natural gas liquids could be used wherever the May 15, 1973 first sale prices for natural gas liquids represented an ascertainable discount from the weighted average of the prices charged on May 15, 1973 for natural gas liquid products sold at the nearest sales point for such products on that date. FEA also proposed that such May 15, 1973 discounts be maintained on a percentage rather than on a cents per gallon basis, so that producers and processors of natural gas liquids would share the benefits of the price adjustment authorized under § 212.164(b).

Section 212.164(b) is amended as proposed in the October 15 Notice for the reasons set forth therein.

A substantial number of comments described the proposal as a "new concept" implementing "new reductions" in the price permitted to be charged for mixed natural gas liquids. Such comments, however, were based on the erroneous assumption that unless a contract in effect on May 15, 1973 specifically called for a mixed stream price to be discounted from component product prices, a mixed stream could be sold at a price which reflected the full amount of the § 212.164 adjusted prices for the component products. That this interpretation is without basis in the regulations was pointed out in the October 15 Notice.

Certain comments also stated that an adjusted price for mixed streams that does not equal the adjusted price for the component products results in either a disincentive to continued production of mixed streams by producers without fractionation capability, or provides an artificial incentive for such producers to obtain a fractionating capability. However, the maintenance of the May 15, 1973 pricing differentials between mixed streams and fractionated products simply reflects the historic costs associated with fractionating mixed streams, and should not therefore involve any incentive to operate differently than on May 15, 1973.

The fact that the misinterpretation of the adjusted price rule for mixed streams described above has been widespread was confirmed by the comments submitted in this proceeding and it is for this reason, among others, that the proposed amendment is adopted effective January 1, 1975. Thus, in light of the probability that many gas processing firms implemented prices for natural gas liquids using adjusted May 15, 1973 first sale prices during a period when § 212.164(b) contained no specific provision for the use of such adjusted prices, the FEA has concluded that provision for the use of adjusted May 15, 1973 prices should be made on a retroactive basis. This will avoid the imposition of undue financial hardship on the many firms which were misguided in their attempts to comply with the natural gas liquids

price rules. Moreover, this action will more effectively implement the original price policy adopted by FEA in promulgating Subpart K, since it was thought that § 212.164(b) would be adequate to cover most, if not all, first sales of natural gas liquids at the time it was adopted.

Several persons commented that the provisions of the proposed amendment to § 212.164(b) would impose certain administrative burdens, noting in particular that sales of the mixed stream and the component products were not always made at the same point on May 15, 1973 so that the differential between the prices for these items could not easily be ascertained. It should be noted in this regard that the rule proposed in the October 15 Notice and adopted today does not require a firm to ascertain the discount represented by the differential between its May 15, 1973 first sale price for the mixed stream and the May 15, 1973 first sale price for the component products derived from that stream; the rule simply requires that a firm ascertain the discount represented by the differential between its mixed stream first sale price and the first sale prices of natural gas liquid products at the nearest sales point for such products on May 15, 1973. It is FEA's intention that permitting the referenced product prices to be identified without requiring the seller to trace the mixed stream actually sold on May 15, 1973 will provide the flexibility necessary to alleviate the administrative burden which might otherwise be involved.

II. IMPUTED MAY 15, 1973 PRICES FOR NATURAL GAS LIQUIDS

When Subpart K was adopted, a special price rule for natural gas liquid products processed in "new" gas plants was included, in order to provide an incentive for the construction of new plants. However, through oversight, a comparable provision was not included for mixed streams processed in new plants. Accordingly, the October 15 Notice proposed to add a new provision to § 212.164 to impute May 15, 1973 first sale prices for natural gas liquids processed in "new" gas plants based on a price of $.115 per gallon for the propane content, $.12 per gallon for the butane content, and $.13 per gallon for the natural gasoline content.

Section 212.164 is amended by the addition of a new paragraph (d) as proposed in the October 15 Notice. The majority of those persons commenting on this proposal supported its adoption.

Certain comments submitted in opposition to this proposed amendment simply recommended no change in the original Subpart K price rules respecting new plants. These comments apparently reflect an assumption that the price rule of § 212.164, which is applicable by its terms only to natural gas liquid products processed in new plants, could also be applied to impute May 15, 1973 prices to natural gas liquids processed in new plants. This is not the case, as was pointed out in the October 15 Notice. Thus, absent the adoption of a new price rule to provide specifically for the use of imputed May 15, 1973 prices in calculating current lawful prices for natural gas liquids processed in a new gas plant, no imputed May 15, 1973 first sale price for such streams would be otherwise available, and the Subpart K price rules would operate to provide an incentive only for the increased production of natural gas liquid products. The proposed rule is therefore adopted to provide the needed incentive for the production of mixed natural gas liquid streams as well. The amendment is also being adopted effective January 1, 1975 to facilitate application of the Subpart K price rules to mixed streams processed in new plants since that date and to conform to the intent with which the Subpart K rules were originally adopted.

III. NON-PRODUCT COST ALLOWANCES

Subpart K permits first sale prices for natural gas liquid products to be increased by a maximum of ½ cent per gallon to reflect actual non-product cost increases incurred since May, 1973. No comparable provision was included for increasing first sale prices of natural gas liquids. As stated in the October 15 Notice, comments received by FEA indicated that FEA's initial understanding that no significant non-product cost increases had been experienced in processing and selling mixed streams was incorrect. Accordingly, addition of a provision to § 212.165 for mixed stream price increases not to exceed ⅜ cents per gallon to reflect increased non-product costs was proposed.

The proposed amendment also provided that first sale prices for natural gas liquid products derived from such mixed streams could include an increment to reflect increased non-product costs which, when added to the non-product cost increment included in the price of the mixed stream, would not exceed ½ cent per gallon. Certification by sellers of mixed streams of the non-product cost increment included in the first sale prices of mixed streams was also proposed, in order to implement this proposal.

Section 212.165 is amended as set forth in the October 15 Notice for the reasons set forth therein.

Most of the comments submitted in opposition to this proposed amendment were critical of the imposition of a per gallon limitation on the amount of non-product cost increases which could be recovered in prices charged for product since such a limitation inevitably inhibits the recovery of such costs by firms whose increased non-product costs incurred exceed the limit. Several persons offered cost data indicating that, with respect to certain individual gas plant operations at least, per gallon increases in non-product costs are being incurred which exceed the limitations originally set forth in § 212.165 as well as those which were proposed. The burden associated with obtaining an exception from the limitations was cited as the most onerous effect of both the original regulation and the proposed amendment.

The FEA is concerned about imposing costly, time consuming requirements on processors subject to its regulations, but in adopting the original Subpart K price rules the FEA concluded that adoption of a rule which did not place a per gallon limit on the amount of non-product costs that could be included in product prices by a gas processor would be impracticable and would present an unreasonable administrative burden for FEA. FEA has undertaken to minimize the difficulties connected with the exceptions process, which must to the extent they remain, be compared to the administrative burden which would be assumed by the FEA if the agency adopted a rule permitting the unlimited passthrough of increased non-product costs. To date, the number of exception requests received by the FEA in this regard has not been sufficient to indicate that the per gallon non-product cost limitations imposed generally restrict the ability of affected firms to recover their increased non-product costs through prices charged for product. Thus, there does not appear to be sufficient justification for the removal or adjustment of these limitations except in the manner set forth in the October 15 notice. The non-product cost data which are being accumulated through the exceptions process may soon afford a basis for further rulemaking in this area, however.

As with several of the other amendments adopted today, certain objections to the adoption of this proposal were based on assertions that the current price rule regarding increased non-product costs is adequate. This view appears to proceed from the erroneous assumption that the price rule permitting gas processing firms to add an increment of no more than ½ cent per gallon to natural gas liquid product prices to reflect increased non-product costs was also applicable to prices charged for mixed natural gas liquid streams. As was indicated in the October 15 Notice, the original Subpart K price rules do not provide for a non-product cost increase to be included in lawful prices charged for mixed streams.

The amendment is therefore adopted to permit processors of these mixed streams to recover, in prices charged for those streams, the non-product cost increases they have incurred. Like the other amendments adopted today, it is being adopted effective January 1, 1975 to more effectively implement the original price policy adopted by FEA in promulgating Subpart K and to avoid the imposition of undue financial hardship on the many firms which erroneously applied the Subpart K price rules.

IV. UNRECOUPED INCREASED PRODUCT COSTS

The October 15 Notice stated that since crude oil refiners are permitted to follow a "twelve month rule" in apportioning a pro-rata amount of increased costs to propane prices because of the seasonal pricing of that product, it appeared that a similar provision should be adopted for natural gas liquid processors.

Section 212.167 is amended as set forth in the October 15 Notice for the reasons set forth therein. All of the comments submitted in this proceeding reflected support for the proposal to amend § 212.167. However, it was apparent from the comments that the preamble to the amendments proposed in the October 15 Notice caused some confusion as to the effect of the original Subpart K "banking" provisions. In describing the proposed amendment to § 212.167, FEA stated that "(a)n additional aspect of the proposal described above is that it would permit processors to apportion costs attributable to propane to prices charged for butane and natural gasoline." Persons commenting on this aspect of the proposal have expressed concern that the FEA may be interpreting the original § 212.167 price rule to preclude this type of cost apportionment. The FEA has not adopted such an interpretation. The cost allocation provisions of § 212.167 have always permitted gas processing refiners to apportion costs attributable to propane to prices charged for the other natural gas liquid products. Thus, in amending the cost allocation price rule effective January 1, 1975, the FEA continues to provide flexibility in the apportionment of increased product costs to butane and natural gasoline while modifying the cost apportionment restrictions applicable to propane prices so that the proportionate allocation of increased product costs to propane is measured on an annual basis rather than on the monthly basis which was required under the original Subpart K price rules.

V. CERTIFICATION OF ADJUSTED MAY 15, 1973 PRICES AND NON-PRODUCT COST INCREMENTS BY SELLERS OF NATURAL LIQUIDS

The October 15 Notice proposed that certain certifications be required by sellers of natural gas liquids and natural gas liquid products in order to facilitate the flow of information needed for compliance with the Subpart K price regulations.

A new section 212.171 is adopted in a slightly different form from that proposed in the October 15 Notice, but for substantially the same reasons set forth in the proposal. The corrective amendments to Subpart K issued on August 27, 1975, require that, in calculating the per gallon amount of product cost increases which may be included in lawful prices for liquid products, firms which sell those products in first sale transactions must make reference to the adjustments to May 15, 1973, prices included in the lawful prices charged by their suppliers of mixed natural gas liquids. In addition, the amendments adopted today contain provisions which require that, in calculating the per gallon increment representing non-product cost increases which may be included in the lawful price for natural gas liquid products, firms which sell those products in first sale transactions must make reference to the per gallon amount of non-product cost increases included in the lawful prices charged by their suppliers of mixed natural gas liquids.

In order to facilitate the flow of information necessary for compliance with these provisions, the FEA is adopting a certification provision to require that sellers of natural gas liquids certify to their purchasers the incremental amounts included in their prices for natural gas liquids which are relevant for the purpose of computing lawful prices for the natural gas liquid products derived therefrom in accordance with the Subpart K price rules.

However, this information is needed only in connection with a first sale of natural gas liquids, so that the seller of natural gas liquid products may calculate its maximum lawful prices for those products. Accordingly, the certification requirement adopted today is limited to first sales of natural gas liquids, in response to the several comments which objected to the certification requirements contained in the October 15 proposal as being extensive and unnecessary. This modification from the proposed requirement should minimize the burden imposed upon gas processing firms in this regard. Such certifications are required with respect to all first sales of natural gas liquids since January 1, 1975.

VI. CALCULATION OF INCREASED PRODUCT COSTS ATTRIBUTABLE TO "NEW" NATURAL GAS LIQUIDS AND NATURAL GAS LIQUID PRODUCTS

The October 15 Notice noted that the Subpart K regulations provided for the use of an imputed May 15, 1973 price of natural gas where a gas stream from which natural gas liquids have been extracted was not sold on May 15, 1973. The regulation did not, however, permit the use of an actual price of natural gas where a gas stream was sold after May 15, 1973. FEA therefore proposed to amend § 212.168 to provide that, where a natural gas stream was not sold on May 15, 1973, the lowest of the actual initial sales price of the residue gas, 23 cents per thousand cubic feet (MCF), or 23 cents per million BTU for residue gas may be used as an imputed May 15, 1973 price for the gas stream.

Section 212.168 is amended as proposed in the October 15 Notice for the reasons set forth therein. No opposition to the adoption of this amendment was expressed.

VII. SPECIAL PROPANE RULE FOR REFINERS OF CRUDE OIL

The original "twelve month rule" which limited refiners of crude oil in their allocation of crude oil in their allocation of increased costs to propane prices specified the twelve month period of August 1, 1974 through July 31, 1975 during which refiners were required to comply with certain specific limitations of the special propane rule. At the time the special propane rule was adopted, the close of this period coincided with the expiration date of the Emergency Petroleum Allocation Act of 1973. Inasmuch as the duration of propane price controls was uncertain at the time of the October 15 Notice, it was proposed simply to annualize the special propane rule by deleting the references to specific years.

The substance of that proposal has already been adopted in connection with the revisions to Subpart E that were required by the Energy Policy and Conservation Act (41 FR 5111, February 4, 1976; 41 FR 15330, April 12, 1976). The Rule now appears in modified form at § 212.83(c)(1)(iii)(A).

Consideration of the comments received in this proceeding have, however, led FEA to conclude that the special propane rule should be modified in one respect. Clauses (I) through (IV) of the rule are retained in their present form. The clauses limit the amount of (I) increased crude oil costs, (II) increased non-product costs, (III) increased costs of propane purchased, and (IV) increased costs of propane produced from natural gas, which may be attributed to propane during a twelve month period.

Clause V in its present form precludes the application of any increased costs (determined pursuant to clauses (I) through (IV) which are incurred in one twelve month period to propane prices in the subsequent twelve month period. This provision does not appear to be appropriate, however, except with respect to the prohibition against carrying forward costs incurred prior to July 1, 1974, and not recovered through July 31, 1974. The rationale for this initial prohibition was essentially that increased costs which were attributable to propane in greater than proportional amounts prior to the adoption of the "special propane rule" should not be permitted to be carried forward for application to propane prices after the proportionate restrictions on cost allocation of the special propane rule were adopted. However, since the proportionate cost allocation regulations have been in effect for propane since August 1, 1974, no further absolute prohibition against the carry-forward of unrecovered increased costs is justified. The rationale for the original prohibition is in applicable, and the general restraints on the carry-forward of unrecovered increased costs applicable to general refinery products are adequate to insure that no undue price increases occur. Moreover, continuation of a year-to-year prohibition on the carry-forward of unrecovered increased costs would be a disincentive to increasing propane inventories during the summer period immediately prior to July 1.

Accordingly, the "special propane rule" is amended in clause V to limit the applicability of the prohibition on the carry-forward of unrecovered increased costs to August 1, 1974.

VIII. FIRST SALE PRICES FOR NATURAL GAS LIQUID PRODUCTS ACCORDING TO LOCATION OF SALE

A possible amendment to the Subpart K price rules to provide for application of the adjusted May 15, 1973 first sale prices in a manner that would also fully preserve historical geographical price differentials in the maximum lawful prices permitted to be charged for natural gas

liquid products has not been adopted. However, with respect to this issue, FEA stated in the October 15 Notice that it would consider such an amendment but would not adopt it absent a convincing showing that an amendment was necessary and feasible. FEA has concluded that such a showing has not been made.

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

In consideration of the foregoing, Part 212 of Chapter II, Title 10 Code of Federal Regulations, is amended as set forth below, effective January 1, 1975.

Issued in Washington, D.C., June 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (c) (1) (iii) (A) (V) to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.*

* * * * *

(1) *Allocation of increased costs incurred in the period "t."*

* * * * *

(iii) Propane—(A) *Special propane rule.*

* * * * *

(V) May not apportion to propane any increased costs incurred prior to July 1, 1974 and not recovered through July 31, 1974.

* * * * *

2. Section 212.164 is amended by the revision of paragraph (b), by the redesignation of paragraph (d) as paragraph (e), and by the addition of a new paragraph (d) to read as follows:

§ 212.164 Adjusted May 15, 1973 first sale price.

* * * * *

(b) *Natural gas liquids.* For purposes of determining lawful prices of natural gas liquids in a first sale, if the first sale price of natural gas liquids on May 15, 1973, represented a discount from the lawful first sale prices of natural gas liquid products at the nearest sales point for such products on that date, a firm may use, in lieu of the actual May 15, 1973 first sale prices of natural gas liquids, first sale prices of natural gas liquids computed on the basis of not more than $.085 per gallon for the propane content, not more than $.09 per gallon for the butane content, and not more than $.10 per gallon for the natural gasoline content, provided that the natural gas liquids first sale prices thus computed shall be reduced by the same percentage discount from the adjusted first sale prices for the component natural gas liquid products as the actual May 15, 1973 first sale prices of natural gas liquids were reduced from the actual May 15, 1973 selling prices of natural gas liquid products at the nearest sales point of the natural gas liquids purchaser for such products.

* * * * *

(d) *Imputed May 15, 1973 first sale prices for natural gas liquids from new gas plants where groundbreaking did not occur until January 1, 1975, or thereafter.* For purposes of determining lawful prices of natural gas liquids produced in a gas plant where groundbreaking did not occur until January 1, 1975 or thereafter, a firm may use as the weighted average price at which natural gas liquids were lawfully priced in first sale transactions on May 15, 1973, prices computed on the basis of not more than $.115 per gallon for propane content, not more than $.12 per gallon for butane content, and not more than $.13 per gallon for natural gasoline content.

* * * * *

3. Section 212.165 is revised to read as follows:

§ 212.165 Increased non-product costs.

The first sale price of natural gas liquids may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which is not more than $.00375 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. The first sale price of natural gas liquid products may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which, when added to the amount of non-product costs certified as included in prices charged for purchased natural gas liquids is not more than $.005 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. Records shall be maintained to show that the increased non-product costs attributable to gas plant operations, under customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, are sufficient to justify the amount of the price increase permitted under this section on a dollar-for-dollar pass-through basis.

4. Section 212.167 is revised in paragraphs (c) and (f), to read as follows:

§ 212.167 Allocation of increased product costs.

* * * * *

(c) *Increased product costs allocable to propane.* The total amount of increased product costs allocable to the price of propane derived from a particular volume of natural gas for each twelve month period of August 1 through July 31, shall not exceed the amount of increased product costs determined pursuant to paragraphs (a) and (b) of this section to be attributable to that volume of natural gas and allocable to the sales volume of natural gas liquid products derived therefrom multiplied by

$$\left(\frac{V_p}{V_n}\right)$$

Where:

V_n = The total volume of all natural gas liquid products derived from that volume of natural gas and sold during the current period Aug. 1 through July 31, and

V_p = The total volume of propane derived from that volume of natural gas and sold during the current period Aug. 1 through July 31.

* * * * *

(f) *Carry-forward of unrecovered increased product costs.* Increased product costs calculated pursuant to this section and not recovered in sales revenues in the current month may be carried forward for recovery in a subsequent month, provided that such unrecovered increased product costs shall be allocated to prices as provided in this section.

5. Section 212.168 is revised to read as follows:

§ 212.168 Increased product costs for natural gas liquids and natural gas liquid products derived from a new gas stream.

For purposes of determining increased product costs attributable to natural gas liquids and natural gas liquid products produced from a new gas stream where no sale of the residue gas was made on May 15, 1973, a firm shall use as its May 15, 1973 price for the residue gas, the lower of: 23 cents per thousand cubic feet (MCF) or 23 cents per million British thermal units (MMBTU) of residue natural gas, whichever is consistent with the sales terms of the contract under which the residue gas is currently sold; or the actual price at which the residue gas was sold on the first day following May 15, 1973 on which a sale was made.

6. Part 212 is being revised by the addition of a new § 212.171, to read as follows:

§ 212.171 Certification requirements.

(a) *Certification to purchasers of natural gas liquids.* Each seller of natural gas liquids shall certify to each purchaser in a first sale transaction: (1) the per gallon increment included in the price charged to that purchaser which results from the use by the seller of an adjusted May 15, 1973 selling price under § 212.164, in determining the lawful price to that purchaser; and (2) the per gallon increment included in the price charged to that purchaser which reflects non-product cost increases incurred by the seller and included in prices pursuant to § 212.165.

[FR Doc.76-17428 Filed 6-10-76;4:50 pm]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12482]

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

Brokers and Dealers Effecting Transactions in Municipal Securities

Adoption of amendments to the uniform net capital rule (Rule 15c3-1) pertaining to the Commission's financial responsibility and reporting program for transactions in municipal securities.

The Securities and Exchange Commission today announced the adoption of certain amendments to Rule 15c3-1 [17 CFR 240.15c3-1], the uniform net capital rule ("the Rule"), under the Securities Exchange Act of 1934. The amendments deal with overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities, certain receivables arising from municipal securities underwritings, haircuts on municipal notes, aged fails to deliver municipal securities, indebtedness collateralized by municipal securities, and the alternative net capital requirement. The amendments, which become effective on June 1, 1976, are intended primarily to succeed certain of the temporary amendments to the Rule adopted in Securities Exchange Act Release No. 11854 (Nov. 20, 1975) ("Release No. 11854") [40 FR 57786 (Dec. 12, 1975)] as part of the Commission's financial responsibility and reporting program pertaining to transactions in municipal securities.

The Commission also invites further comment from interested members of the public concerning undue concentration requirements for municipal securities and the definition of a ready market for municipal securities. With respect to these issues, the Commission extends until October 1, 1976, the temporary provisions concerning undue concentrations, and continues the suspension of the Rule's provisions prescribing capital charges for municipal securities lacking a ready market.

INTRODUCTION

Prior to the Securities Acts Amendments of 1975,[1] (the "1975 Amendments") municipal securities were included within the definition of "exempted securities" as defined in Section 3(a)(12) of the Securities Exchange Act of 1934 (the "Act"). The 1975 Amendments, inter alia, excised municipal securities from the class of exempted securities for purposes of Section 15(c)(3) of the Act, effective December 1, 1975.[2] Moreover, the 1975 Amendments amended Section 15(c)(3) to require the Commission to establish minimum financial responsibility requirements for "all brokers and dealers" no later than September 1, 1975. While thus subjecting brokers and dealers who effect transactions in municipal securities to Commission financial responsibility regulation, Congress, nonetheless, remained cognizant that the often unique structure of the municipal securities industry might indicate financial responsibility rules different from those applicable to other members of the securities industry. In particular, Congress noted that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public."[3]

The 1975 Amendments became law on June 4, 1975. At that time the Commission was completing development of a uniform net capital rule, which was adopted pursuant to Section 15(c)(3) on June 26, 1975, effective September 1, 1975.[4] Thus it was contemplated that the Rule would be in place by the time municipal securities brokers and dealers became subject to Section 15(c)(3) on December 1, 1975. Accordingly, the Commission, directed to establish minimum financial responsibility standards for brokers and dealers effecting transactions in municipal securities consistent with the protection of investors, and cognizant of the unique features of this industry, included a request for comments on this subject in the release adopting the Rule.[5] The Commission reiterated this request in Securities Exchange Act Release No. 11561 (July 30, 1975) [40 FR 33082 (Aug. 6, 1975)], soliciting public comment concerning any special problems which the Rule would pose to the municipal securities industry. When certain members of the public requested additional time in which to present their views and supporting data on these matters, the Commission extended the public comment period until October 15, 1975.[6]

In response to these releases, the Commission received a number of thoughtful comment letters. Salient among the numerous issues they raised were minimum net capital requirements under Rules 15c3-1(a) and (f) [17 CFR 240.15c3-1(a) & (f)], the appropriate haircuts for municipal notes, the treatment of undue concentrations in municipal securities, and the fact that municipal securities trading markets are structurally different from the markets on which the Rule's nonmarketability provisions were premised. More generally, the Commission became aware of the need to prescribe emergency temporary relief from a number of the Rule's provisions, to enable newly registering brokers and dealers effecting transactions in municipal securities to make a smooth transition to the requirements of the Rule, and to allow the Commission to consider and develop appropriate permanent capital standards for brokers and dealers effecting transactions in municipal securities.

Accordingly, on November 20, 1975, the Commission issued Release No. 11854, which adopted, inter alia, certain amendments, temporary amendments, and interpretations to the Rule primarily designed to afford brokers and dealers effecting transactions solely in municipal securities a period of transition during which these firms could adjust to net capital regulation. This transitional program, which became effective on December 1, 1975, involved many provisions of the Rule. Through an amendment to Rule 15c3-1(g) [17 CFR 240.15c3-1(g)], the Commission permitted brokers and dealers to treat municipal securities as exempted securities until January 1, 1976, the effective date of the computational provisions of the Rule. Another amendment to this provision afforded brokers and dealers effecting transactions solely in municipal securities the option of operating under all provisions of the Rule beginning December 1, 1975, instead of computing capital for one month under former Rule 15c3-1. With respect to the computational provisions of the Rule, the Commission adopted temporary amendments, expiring in most cases on June 1, 1976, relating to the treatment of overnight bank loans incurred by brokers and dealers effecting transactions solely in municipal securities, receivables arising out of participation in municipal securities underwritings, undue concentrations of municipal securities, aged fails to deliver municipal securities, and indebtedness collateralized by municipal securities. The nonmarketability provisions of the Rule were suspended as applied to municipal securities, pending the development of ready market criteria suitable for municipal securities. The Commission also provided, on a temporary basis, a modified variant of the alternative net capital requirement found in Rule 15c3-1(f) [17 CFR 240.15c3-1(f)], available to certain municipal securities "brokers' brokers." Permanent amendments to the Rule adopted in Release No. 11854 included separate classification of municipal notes for haircut purposes, definitional amendments in order to allow transactions with registered bank municipal securities dealers to be treated

[1] Act of June 4, 1975, Pub. L. No. 94-29, 89 Stat. 97.

[2] "The [Senate Banking, Housing and Urban Affairs] Committee has concluded the time has come to revise the Exchange Act to subject municipal securities professionals to essentially the same regulatory scheme that applies to other securities activities." S. Rep. No. 75, 94th Cong., 1st Sess. 43 (1974).

[3] Id. at 48.

[4] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975). However, Rule 15c3-1(g)(1) provided that computations of aggregate indebtedness and net capital for purposes of Rule 15c3-1(a) might, until January 1, 1976, be made pursuant to the capital rule to which a broker or dealer was subject prior to September 1, 1975. This effectively postponed the effective date of all provisions except Rule 15c3-1(a) (minimum net capital requirements) and Appendix D (satisfactory subordination agreements) until January 1, 1976.

[5] Securities Exchange Act Release No. 11497, at 4 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[6] Securities Exchange Act Release No. 11656 (Sept. 16, 1975), 40 FR 43743 (Sept. 23, 1975).

as non-customer transactions, and the addition of a definition of "municipal securities." Finally, in order to clarify the impact of certain of the Rule's provisions upon brokers and dealers effecting transactions in municipal securities, the Commission issued interpretations pertaining to the minimum net capital requirements for newly registered brokers and dealers, and to the treatment of free shipments of securities.

In Release No. 11854, the Commission again established a public comment period, expiring February 29, 1976, concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities, particularly directed to those areas affected by the transitional program adopted in that release. Public comment, especially by way of impact studies and other appropriate statistical compilations, was solicited with specific reference to the issues of undue concentrations of municipal securities, the definition of a ready market in municipal securities, and haircuts on municipal bonds.

Interested members of the public responded with several well-considered discussions of all these issues.[7] Reaction to the transitional program embodied in Release No. 11854 was generally favorable. Indeed, many commentators suggested that several of the temporary amendments to the Rule might form the basis of more permanent provisions which would recognize, consistent with the protection of investors, unique features of the municipal securities marketplace. Some commentators requested that the Commission review the temporary amendment to Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)] respecting overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities, scheduled to expire on April 1, 1976, in conjunction with the other temporary amendments to the Rule, which expire on June 1, 1976. The Commission determined that this was appropriate, and extended the temporary amendment respecting overnight loans until June 1, 1976.[8]

The Commission believes that the temporary amendments to the Rule adopted in Release No. 11854 have served their primary purpose of providing newly registered brokers and dealers effecting transactions in municipal securities a transitional period in which to adjust to the requirements of the Rule. The Commission has determined that it is now appropriate to initiate the next phase of its program for the net capital regulation of these brokers and dealers. This involves the adoption of more permanent provisions, summarized above, relating to the net capital requirements of brokers and dealers effecting transactions in municipal securities. Each of these amendments to the Rule is discussed below, and the text thereof is set forth at the end of this release.

The amendments adopted herein are intended to recognize certain unique features of the municipal securities marketplace, in a manner consistent with the public interest and the protection of investors. While the Commission believes that the regulatory solutions adopted herein achieve these purposes, the Commission wishes to receive comment from the public concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. To this end, the Commission again solicits the comments of interested members of the public pertaining to these matters, with particular reference to the amendments adopted today.

Amendments to Rule 15c3–1 Effective on June 1, 1976

Amendment to Rule 15c3–1(c)(1)(i)—Overnight Indebtedness Incurred by Brokers and Dealers Effecting Transactions Solely in Municipal Securities

In many cases, a purchasing dealer of municipal securities will fail to take delivery of the securities on settlement date because of delays in issuing instructions to the clearing bank or broker. Delivery, when made, may occur too late in the day to allow the purchasing dealer to accomplish same day redelivery to a purchaser to whom he has resold the securities. In such circumstances, the dealer may finance the transaction by borrowing against the securities failed to deliver on an overnight basis.

A fail to receive offset by a fail to deliver is excluded from aggregate indebtedness ("AI") pursuant to Rule 15c3–1(c)(1)(iii) [17 CFR 240.15c3–1(c)(1)(iii)]. However, once the municipal securities are received (and not redelivered on the same day) and the dealer borrows against them, his position is long in fail to deliver and short in bank loan. Since these securities are not carried long in the proprietary or other accounts of the broker or dealer (where they would receive a maximum haircut of 5% pursuant to Rule 15c3–1(c)(2)(vi)(B) [17 CFR 240.15c3–1(c)(2)(vi)(B)]), the indebtedness they secure must be included in AI pursuant to Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)].

In Release No. 11854, the Commission took note of the historical prevalence of overnight loans in the municipal securities industry, as well as the consequent suggestions of certain commentators that immediate inclusion of these loans in AI might prove disruptive to newly registered brokers and dealers effecting transactions solely in municipal securities.[9] The Commission responded to these expressions of concern by adopting a temporary amendment to Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)] permitting, until April 1, 1976, brokers and dealers effecting transactions solely in municipal securities to exclude from AI overnight loans offset by municipal securities failed to deliver outstanding not more than one business day.[10] Subsequently, this temporary amendment was extended until June 1, 1976, to permit the Commission to review the overnight loans issue in conjunction with other questions arising from the application of the Rule to brokers and dealers effecting transactions in municipal securities.[11]

The concept of appraising a broker's or dealer's liquidity and financial condition by measuring his net capital against his aggregate indebtedness achieves viability only to the extent that "aggregate indebtedness" provides a rational and substantially accurate measurement of all the liabilities incurred by brokers and dealers. In 1955, the Commission's former net capital rule contained nine exclusions from AI.[12]

A tenth exclusion was added during the life of former Rule 15c3–1. In the course of the development of the uniform net capital rule, interested members of the public urged the Commission to provide further exclusions, involving many items including overnight bank loans collateralized by securities failed to deliver. During the three-year developmental process, each of these suggestions was carefully evaluated. "On the basis of impact studies and comments, several new and significant items were excluded from AI, including deferred tax liabilities, credit balances in the accounts of general partners, subordinated liabilities not the subject of a satisfactory subordination agreement, liabilities representing the amounts [required to be on deposit and] on deposit in Special Reserve Bank Accounts, credit balances representing amounts payable for money market instruments outstanding as long as three days, and fails to receive offset by matching fails to deliver."[13] The Commission determined, however, that "exclusion of overnight loans from AI would eliminate one of the most important indicia of a broker's or dealer's liquidity,"[14] and would reduce the viability of the AI concept as a rational measure of liquidity to a level detrimental to the public interest and the protection of investors.

The temporary amendment to Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)] adopted in Release No. 11854 was intended solely to provide new registrants effecting transactions solely in municipal

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[7] The Commission wishes to note its appreciation to the comments submitted by the Municipal Securities Rulemaking Board.

[8] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15842 (April 15, 1976).

[9] Securities Exchange Act Release No. 11854, at 8 (Nov. 20, 1975), 40 FR 57786 (Dec. 12, 1975) [hereinafter cited as Release No. 11854].

[10] *Id.* at 8–9.

[11] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15342 (April 15, 1976).

[12] *See* 20 FR 2611 (1955) (adoption by the Commission of substantially revised definition of aggregate indebtedness).

[13] Release No. 11854 at 8.

[14] Id.

securities the opportunity to make an orderly transition to net capital regulation. The temporary amendment did not represent a judgment by the Commission that exclusion of overnight loans incurred by these firms would be any less damaging to the AI concept than exclusion of the overnight loans taken by firms conducting a general securities business.

The Commission notes that the alternative net capital requirement provided by Rule 15c3–1(f) [17 CFR 240.15c3–1(f)] provides for lesser capital charges in respect to overnight loans, relying instead upon other modes of customer protection provided by Rule 15c3–3 [17 CFR 240.15c3–3]. Later in this release, the Commission amends the alternative net capital requirement set forth in Rule 15c3–1(f) [17 CFR 240.15c3–1(f)] to provide that until January 1, 1977, brokers and dealers effecting transactions solely in municipal securities may operate thereunder with net capital not less than the greater of $25,000 or 4% of aggregate debit items, computed under Exhibit A to Rule 15c3–3,[15] the Formula for Determination of Reserve Requirements of Brokers and Dealers ("the Reserve Formula"). This provisional amendment is intended to afford these brokers and dealers and the Commission a period during which the appropriateness of the alternative as a financial responsibility standard for such firms may be examined in the light of practical experience. The Commission points out that under the alternative capital requirement, only overnight loans collateralized by securities offset by customer long positions increase a broker's or dealer's required net capital, and then only at the rate of 4% of the market value of the securities, as opposed to 6⅔% of the overnight indebtedness under the AI method.

The Commission encourages brokers and dealers effecting transactions solely in municipal securities to study this method of capital computation, and to compare their capital requirements thereunder with those indicated by the AI method. In order to afford these brokers and dealers an additional transitional period and an opportunity to familiarize themselves with the alternative, the Commission amends Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)] to delay until October 1, 1976 the expiration of the temporary amendment thereto respecting overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities.

Later in this release, the Commission invites public comment concerning whether the computation of net capital under the alternative, as amended herein, provides an appropriate measure of the financial responsibility of brokers and dealers effecting transactions solely in municipal securities. The Commission also solicits public comment, particularly by way of impact studies and other appropriate statistical compilations, concerning the treatment of overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities under both the AI concept and the alternative capital requirement.

AMENDMENTS TO RULE 15c3–1(c)(2)(iv)(C)—RECEIVABLES ARISING FROM UNDERWRITING SYNDICATES AND JOINT ACCOUNTS

In its original form, Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)] required the deduction from net worth of good faith deposits arising in connection with an underwriting and outstanding longer than eleven business days. Furthermore, profits derived from participation in an underwriting syndicate were treated as "unsecured receivables" which, pursuant to Rule 15c3–1(c)(2)(iv)(E) [17 CFR 240.15c3–1(c)(2)(iv)(E)], were deducted from net worth. These provisions were premised upon industry practices followed in the underwriting of corporate securities. However, as the Commission pointed out in Release No. 11854, municipal securities underwriting syndicates and joint accounts generally "operate on a much more protracted timetable than their corporate securities counterparts."[16] The Commission noted that the duration and conduct of public offerings of municipal securities might be an appropriate matter for consideration by the Municipal Securities Rulemaking Board ("the Board"),[17] and, as an interim measure, temporarily amended Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)] to permit inclusion in net worth of receivables and good faith deposits arising from participation in municipal securities underwritings and outstanding no longer than ninety days from settlement of the underwriting with the issuer.[18]

The Commission has been apprised that the Board is developing regulatory standards which would, inter alia, establish time limits within which managing underwriters must remit good faith deposits and distribute syndicate or joint account profits. The Board anticipates that such rules will be adopted during the summer of 1976. In this light, the Commission has determined that it is appropriate to extend the temporary amendment to Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)] until October 1, 1976. In the interim, the Commission will consider whether it is appropriate to coordinate in some fashion the net capital treatment of these receivables with such remittance standards as the Board may seek to establish.

AMENDMENT TO RULE 15(c)3–1(c)(2)(vi)(B)(1)—HAIRCUTS ON MUNICIPAL NOTES

Rule 15c3–1(c)(2)(vi) [17 CFR 240.15c3–1(c)(2)(vi)] prescribes certain deductions from net worth, known as "haircuts," which are to be taken against the market value of securities long or short in the proprietary or other accounts of a broker or dealer. In release No. 11854, the Commission amended Rule 15c3–1(c)(2)(vi)(B) [17 CFR 240.15c3–1(c)(2)(vi)(B)], which sets forth haircuts applicable to municipal securities, in order to separately classify municipal notes.[19]

The resultant provision, Rule 15c3–1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3–1(c)(2)(vi)(B)(*1*)], specifies haircuts on such securities ranging to a maximum of ¾ of 1%, in the case of a municipal note possessing a scheduled maturity at date of issue of 366 days but less than 456 days.

Certain interested members of the public have since noted that there exist a relatively few municipal notes bearing scheduled maturities as long as two years. Presently, such securities do not fall within the definitional parameters of Rule 15c3–1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3–1(c)(2)(vi)(B)(*1*)], and therefore receive the 2% haircut applicable to municipal bonds of similar scheduled maturity. The Commission has determined that it is appropriate to provide haircuts for such notes conforming to the graduating scale established for municipal notes by Rule 15c3–1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3–1(c)(2)(vi)(B)(*1*)]. Accordingly, effective June 1, 1976, the Commission amends Rule 15c3–1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3–1(c)(2)(vi)(B)(*1*)] to provide that a municipal security which bears a scheduled maturity at date of issue of 456 days but less than 732 days, and which otherwise meets the provision's definition of a municipal note, shall receive a haircut of 1%.

AMENDMENTS TO RULE 15c3–1(c)(2)(vi)(m) & (f)(3)(iii)—UNDUE CONCENTRATIONS

Rule 15c3–1(c)(2)(vi)(M) [17 CFR 240.15c3–1(c)(2)(vi)(M)] essentially provides that a deduction from net worth equal to half the appropriate haircut shall be taken against long or short positions in the securities of an issuer of a single class or series, the market value of which positions exceeds ten percent of tentative net capital. A similar provision, Rule 15c3–1(f)(3)(iii) [17 CFR 240.15c3–1(f)(3)(iii)], applies to computations under the alternative net capital requirement.

In Release No. 11854, the Commission exempted positions in municipal securities from the undue concentration provisions until June 1, 1976.[20] On this occasion, the Commission related the suggestions of certain commentators that the existing contours of these provisions would unduly penalize certain historically safe positioning practices in the municipal securities industry.[21] The Commission concluded that while it might not be appropriate to apply the present undue concentration criteria to municipal securities, undue concentration requirements appropriate for these securities should be developed.[22] To that end, the Commission solicited public

[15] 17 CFR 240.15c3–3a (1975).

[16] Release No. 11854 at 9.
[17] *Id.*
[18] *Id.* at 9–10.

[19] Release No. 11854 at 11.
[20] *Id.* at 12.
[21] *Id.*
[22] *Id.*

comment and impact studies concerning this matter.[23]

The public has responded to this invitation by submitting several thoughtful discussions of undue concentration standards for positions in muncipal securities. Some commentators have suggested that positions in a particular municipal issue should not be considered undue concentrations until their aggregate market value exceeds the greater of 10% of tentative net capital or one million dollars, or even ten million dollars in the case of municipal notes. Other proposed solutions would increase the minimum required proportion of tentative net capital to well above 10%, or would exempt from undue concentration charges municipal securities maintained in inventory as long as forty-five business days. Finally, some suggested solutions would involve the imposition of capital charges increasing in proportion to time in inventory. However, the Commission has not received the requested impact data indicating the contours of undue concentrations in municipal securities. The Commission prefers to defer for an additional brief period definitive resolution of this question until it receives more substantial empirical data and statistical analysis of positioning practices of brokers and dealers effecting transactions in municipal securities. The Commission later in this release again solicits public comment, particularly by way of impact studies and other appropriate statistical compilations, which will enable the Commission to identify a point at which inventoried municipal securities become unduly concentrated. In order to afford time for the development and consideration of such data, the Commission has determined that it is appropriate to continue the undue concentration exemption for municipal securities until October 1, 1976. In the interim, the Commission will continue to monitor brokers and dealers effecting transactions in such securities to insure that investors are protected during the development of such undue concentration criteria.

CONTINUATION OF SUSPENSION OF RULE 15c3-1(c)(2)(vii)—NONMARKETABLE MUNICIPAL SECURITIES

Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] provides that, for purposes of computing net capital, the entire carrying value of securities lodged in a broker's or dealer's proprietary or other accounts for which there is no ready market shall be deducted from net worth. In turn, Rule 15c3-1(c)(11)(i) [17 CFR 240.15c3-1(c)(11)(i)] states that a ready market is deemed to exist when there exists a recognized established market comprising independent bona fide offers to buy and sell, so that a price reasonably related to last sale or current bid or offer quotations can be determined almost instantaneously. A ready market is also deemed to exist, pursuant to Rule 15c3-1(c)(11)(ii) [17 CFR 240.15c3-1(c)(11)(ii)], when the securities in question collateralize a loan which the broker or dealer demonstrates to its Examining Authority is adequately secured.

In Release No. 11854, the Commission concluded that "the present structure of the municipals marketplace does not resemble the corporate securities markets on which the marketability provisions of the Rule [discussed above] were premised."[24] Accordingly, the Commission indefinitely suspended Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] as applied to municipal securities, pending the development of appropriate marketability criteria for municipal securities. The Commission coupled this action with a specific solicitation of public comment concerning what constitutes a ready market for municipal securities.[25]

The public's response to this invitation essentially proceeded along two distinct lines of thought. First, certain commentators suggested that there should exist an initial presumption of marketability, which would be deemed progressively rebutted, in the form of increasing charges to capital, the longer a given class or series of municipal securities remained positioned in a broker's or dealer's inventory. The second approach which emerged from the public comments would involve the addition of a third subparagraph to Rule 15c3-1(c)(11) [17 CFR 240.15c3-1(c)(11)], stating in essence that a ready market for a given municipal security would be deemed to exist if a bona fide bid therefor can be obtained within one business day from a municipal securities dealer or through a municipal securities broker at a level consistent with a municipal security of comparable quality, maturity and interest rate.

The Commission wishes to give further consideration to these proposals and such others as may emerge. In order to facilitate this process, the Commission desires, and solicits below, further public comment, especially by way of empirical analysis and statistical compilation, concerning what constitutes a ready market for municipal securities. In the meantime, in order to afford the Commission and interested members of the public time to explore this matter further, the Commission continues the suspension of Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] as applied to municipal securities.

AMENDMENT TO RULE 15c3-1(c)(2)(ix)—AGED FAILS TO DELIVER

Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] requires that appropriate haircuts be applied to securities failed to deliver outstanding fifteen business days or longer (eleven business days or longer after January 1, 1977). In Release No. 11854, the Commission took notice of the difficulties frequently encountered by brokers and dealers in obtaining possession of municipal securities in order to permit the timely elimination of fails to deliver.[26] The Commission observed that the relative inefficiency of municipal securities clearance and settlement facilities, taken together with the practical unavailability of other options, such as "buying-in" or borrowing municipal securities, frequently leaves brokers and dealers effecting transactions in municipal securities no alternative but to await delivery of municipal securities failed to receive in order to cover contra fails to deliver.[27] In these circumstances, the Commission found it appropriate to temporarily amend Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] to delay the onset of haircuts against municipal securities failed to deliver until the fail had been outstanding twenty-five business days.[28] This temporary amendment is scheduled to expire on June 1, 1976.

Comments received from interested members of the public indicate that the conditions discussed above have not improved materially since the issuance of Release No. 11854, and are not likely to improve appreciably in the immediate future. Accordingly, the Commission has determined that it is appropriate in the public interest to amend Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] to provide that municipal securities failed to deliver shall not be subjected to haircuts until the fail is outstanding twenty-one business days or longer (twenty-five business days or longer until January 1, 1977). The Commission intends to review this amendment from time to time in light of improvements in municipal securities clearance and settlement facilities arising from correlative action by the Commission and the Board.

AMENDMENT TO RULE 15c3-1(c)(2)(xiii)—INDEBTEDNESS COLLATERALIZED BY EXEMPTED SECURITIES

Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] permits brokers and dealers to deduct from net worth 4% of indebtedness collateralized by exempted securities, in lieu of including the indebtedness in AI,[29] provided that the collateral is not carried long and does not represent contra securities failed to deliver. In Release No. 11854, the Commission observed that a frequent practice in the municipal securities industry is to deliver previously sold municipal securities failed to deliver against payment by draft. Inasmuch as municipal securities lost their exempted status under the Act on December 1, 1975, the Rule 15c3-1(c)(2)(xiii) [17 CFR

[23] *Id.* at 27.

[24] Id. at 20.

[25] Id. at 27.

[26] Id. at 13.

[27] Id.

[28] Id.

[29] The Commission calls attention to proposed amendments to Rule 15c3-1(c)(2)(xiii) which would clarify that the option of charging 4% of such indebtedness to net worth is available only if the indebtedness would be otherwise includable in AI. See Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976).

240.15c3-1(c)(2)(xiii)] option of deducting 4% of the liability on the draft from net worth would thereafter have been unavailable.[20] Accordingly, the Commission adopted a temporary amendment to this provision, expiring June 1, 1976, which preserved the option in the case of indebtedness collateralized by municipal securities. On this occasion, the Commission noted that "it may well be appropriate after further public comment to continue this treatment permanently."[21]

Comments received from interested members of the public subsequent to the issuance of Release No. 11854 indicate that it is appropriate to perpetuate the currently equal treatment of indebtedness collateralized by municipal securities and indebtedness collateralized by exempted securities. Accordingly, the Commission has determined to make permanent the temporary amendment to Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c 3-1(c)(2)(xiii)].

AMENDMENT TO RULE 15c3-1(f)(1)—ALTERNATIVE NET CAPITAL REQUIREMENT

Rule 15c3-1(f)(1)(i) [17 CFR 240.15c 3-1(f)(1)(i)], the central provision of the alternative net capital requirement ("the alternative"), essentially provides that brokers and dealers electing to operate under the alternative must maintain net capital at least equal to the greater of $100,000 or 4% of aggregate Reserve Formula debit items. In Release No. 11854, the Commission took note of the statement of the Senate Committee on Banking, Housing and Urban Affairs that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public."[22] The Commission, indicating that its analysis of public comments suggested a similar conclusion, adopted Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], a modified variant of the alternative available to certain municipal securities brokers ("brokers' brokers") who deal only with "non-customers" as defined in the Rule.[23] This temporary provision requires those firms operating thereunder to maintain net capital at least equal to the greater of $25,000 or 4% of aggregate Reserve Formula debit items.

Rule 15c3-3,[24] the Commission's customer protection rule, is designed to safeguard customers' funds and securities, and funds realized through the utilization of customers' securities. The present significance of the customer protection rule is that the Commission need no longer rely solely upon the liquidity concepts underlying Rule 15c3-1 [17 CFR 240.15c3-1] to provide adequate protection for customers and their assets. Eventually, it may be appropriate in the public interest and for the protection of investors for the concepts embodied in Rule 15c3-3 [17 CFR 240.15c3-3] to assume even greater significance. The Commission, when adopting the alternative, observed that "[u]ltimately, it may prove possible for Rule 15c3-3 [17 CFR 240.15c3-3] in some form to replace the liquidity requirements of the net capital rule and become the primary source of protection to customer assets held by the broker or dealer. The alternative approach adopted today moves in that direction."[25]

Rule 15c3-3 [17 CFR 240.15c3-3] and the alternative both operate on the premise that, in order to protect customers, financial responsibility rules should impose requirements proportionate to the amount of customer business engaged in by brokers and dealers. Thus, only obligations owing to or from customers or arising out of the utilization of customers' assets generally are includable in the Reserve Formula; similarly, net capital requirements under the alternative increase in direct proportion to the extent of a firm's customer related activity. In this sense, the alternative constitutes a financial responsibility standard more rationally related to the protection of a firm's customers.

The essence of the financial responsibility standard established by the alternative is the requirement that brokers and dealers maintain net capital of not less than 4% of aggregate Reserve Formula debit items. The minimum dollar requirement, initially fixed at $100,000, not only prescribes a minimum amount of net capital which firms utilizing the alternative must possess, but also reflects the Commission's judgment concerning which brokers and dealers may, consistent with the protection of investors, elect to operate under the alternative. The original minimum dollar requirement of $100,000 evidences the Commission's conclusion that the alternative initially should constitute an experimental pilot program restricted to amply capitalized firms which could engage in such a program consistent with the public interest and the protection of investors.

The Commission believes that the alternative method of capital computation thus far has proven itself as an appropriate standard of financial responsibility for the firms involved in this initial test program. A significant number of brokers and dealers have elected to compute capital thereunder, and there is no evidence that the alternative has produced a reduction in the protections the Rule affords the investing public. Similarly, initial experience with Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], the modified alternative net capital requirement for certain municipal securities brokers' brokers, introduced in Release No. 11854, appears to have established a scheme of net capital regulation which is consistent with the public interest and the protection of investors, and appropriate for the relatively small number of municipal securities brokers to whom it is available. Comments received since the adoption of Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)] uniformly suggest that this provision be incorporated permanently into the Rule.

The Commission has determined that it is consistent with the protection of investors to institute an additional pilot phase for the alternative, which will proceed on a trial basis, in order to afford the Commission an opportunity to monitor most closely the performance of the alternative as a regulatory tool for the protection of customers, and to provide the Commission maximum flexibility to take action appropriate to protect the investing public. Accordingly, the Commission has determined that until January 1, 1977, brokers and dealers effecting transactions solely in municipal securities may operate under the general alternative net capital requirement, Rule 15c 3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)], provided that such brokers and dealers maintain net capital at least equal to the greater of $25,000 or 4% of aggregate Reserve Formula debit items. The Commission therefore amends Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)] to lower, until January 1, 1977, the $100,000 minimum net capital requirement thereunder to $25,000, as applied to brokers and dealers effecting transactions solely in municipal securities.

The Commission also amends Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], the modified alternative net capital requirement available to certain municipal securities brokers' brokers, to delay its expiration until January 1, 1977. Of course, the amendment to Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)] adopted today enables these municipal securities brokers' brokers to effect transactions until January 1, 1977, with institutions and other persons within the definition of "customer" found in Rule 15c3-1(c)(6) [17 CFR 240.15c3-1(c)(6)], while operating under the alternative. However, if the Commission were to determine that it was appropriate in the public interest to perpetuate Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c 3-1(f)(1)(ii)], but to eliminate today's amendment to Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)], such municipal securities brokers would be required to return the scope of their business to the confines prescribed by Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)].

During this period, the Commission will evaluate the performance of Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)

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[20] Release No. 11854 at 14.

[21] Id.

[22] S. Rep. No. 75, 94th Cong., 1st Sess. 48 (1974); see Release No. 11854 at 17.

[23] Release No. 11854 at 17. Simultaneously, the Commission amended the Rule's definitions of "customer" and "non-customer," Rule 15c3-1(c)(6) and (7), to make it clear that registered municipal securities bank dealers are treated as non-customers for purposes of the Rule. Id. at 15-16.

[24] 17 CFR 240.15c3-3 (1975).

[25] Securities Exchange Act Release No. 11497, at 3 (June 26, 1975), 40 FR 29795 (July 16, 1976).

(1)(i)] as amended herein, and will continue to evaluate Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)]. The Commission solicits the views of all interested persons concerning the amendments to these provisions adopted herein. The Commission particularly welcomes impact studies, trial capital computations, trend data, and other appropriate statistical computations detailing the effect of these amendments upon brokers and dealers effecting transactions solely in municipal securities, and directed to the specific questions posed by the Commission later in this release. The Commission encourages these brokers and dealers to operate under the alternative during this trial period, and to perform comparative required net capital computations under both the alternative and the AI concept.

The Commission takes this occasion to point out certain salient features of the alternative. Only brokers and dealers not exempt from Rule 15c3-3 [17 CFR 240.-15c3-3] pursuant to paragraphs (k)(1) and (k)(2)(ii) thereof may elect the alternative. Election of the alternative is effected by transmitting written notification, signed by a principal of the firm, to both the broker's or dealer's Examining Authority and the appropriate Regional Office of the Commission. (Municipal securities brokers already operating under Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c 3-1(f)(1)(ii)] need not give additional notice of their intention to operate under Rule 15c3-1(f)(1)(i) [17 CFR 240.15c 3-1(f)(1)(i)] as amended herein.) No particular form of written notice is required. Brokers and dealers computing net capital under the alternative are required by Rule 15c3-1(f)(3) [17 CFR 240.15c3-1(f)(3)] to apply the adjustments to net worth prescribed by Rule 15c3-1(c)(2) [17 CFR 240.15c3-1(c)(2)]. Certain variations upon these adjustments set forth in Rule 15c3-1(f)(3) [17 CFR 240.15c3-1(f)(3)] do not apply to municipal securities, therefore brokers and dealers effecting transactions solely in municipal securities will not be required to change their method of computing net capital. Pursuant to Rule 15c3-1(f)(5) [17 CFR 240.15c3-1(f)(5)], firms electing the alternatives must compute the Rule 15c3-3 reserve requirements on a weekly basis; this provision also contains certain technical modifications to Reserve Formula calculations applicable to brokers and dealers operating under the alternative.

In order to provide brokers and dealers effecting transactions solely in municipal securities an opportunity to study and evaluate the alternative, the Commission earlier in this release extended the temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] pertaining to overnight bank loans incurred by such brokers and dealers until October 1, 1976. This action will afford these firms the opportunity to famliarize themselves fully with the alternative before electing to operate thereunder. During this time, brokers and dealers effecting transactions solely in municipal securities may find it appropriate to perform trial capital computations under the alternative. The Commission's Regional Offices and the District Offices of the NASD stand ready to assist firms in familiarizing themselves with the alternative.

TEXT OF AMENDMENTS TO RULE 15c3-1

Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Commission amends § 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

1. By revising § 240.15c3—1(c)(1)(i), (2)(iv)(C), amending (2)(vi)(B)(*1*) and revising (f)(1)(i), and (ii) as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

* * * * *

(c) * * *

(1) * * *

(i) Indebtedness adequately collateralized by securities which are carried long by the broker or dealer and which have not been sold or by securities which collateralize a secured demand note pursuant to Appendix (D) to this section 17 CFR 240.15c3-1d; indebtedness adequately collateralized by spot commodities which are carried long by the broker or dealer and which have not been sold; or, until October 1, 1976, indebtedness adequately collateralized by municipal securities outstanding for not more than one business day and offset by municipal securities failed to deliver of the same issue and quantity, where such indebtedness is incurred by a broker or dealer effecting transactions solely in municipal securities who is either registered with the Commission or temporarily exempt from such registration pursuant to 17 CFR 240.15a-1(T) or 17 CFR 240.-15Ba2-3(T);

* * * * *

(2) * * *

(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in subdivision (c)(2)(iv)(E) below), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until October 1, 1976, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * *

(vi) * * *

(B)(*1*) In the case of any municipal security which has a scheduled maturity at date of issue of 731 days or less and which is issued at par value and pays interest at maturity, or which is issued at a discount, and which is not traded flat or in default as to principal or interest, the applicable percentages of the market value on the greater of the long or short position in each of the categories specified below are:

(*i*) Less than 30 days to maturity—0%.

(*ii*) 30 days but less than 91 days to maturity—⅛ of 1%.

(*iii*) 91 days but less than 181 days to maturity—¼ of 1%.

(*iv*) 181 days but less than 271 days to maturity—⅜ of 1%.

(*v*) 271 days but less than 366 days to maturity—½ of 1%.

(*vi*) 366 days but less than 456 days to maturity—¾ of 1%.

(*vii*) 456 days but less than 732 days to maturity—1%.

* * * * *

(ix) Deducting from the contract value of each failed to deliver contract which is outstanding 11 business days or longer (21 business days or longer in the case of municipal securities) the percentages of the market value of the underlying security which would be required by application of the deduction required by subparagraph (c)(2)(vi) or where appropriate, paragraph (f) of this section. Provided, that such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security or reduced by any excess of the market value of the underlying security over the contract value of the fail but not to exceed the amount of such deduction. Provided, however, until January 1, 1977 the deduction provided for herein shall be applied only to those fail to deliver contracts which are outstanding 15 business days or longer (25 business days or longer in the case of municipal securities).

* * * * *

(xiii) Deducting, at the option of the broker or dealer, in lieu of including such amounts in aggregate indebtedness, 4 percent of the amount of any indebtedness secured by exempted securities or municipal securities not carried long in the proprietary or other accounts of the broker or dealer or representing exempted or municipal securities failed to deliver.

* * * * *

(f)(1)(i) A broker or dealer who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respect-

ing aggregate indebtedness as defined in subparagraph (c)(1) of this section and certain deductions provided for in subparagraph (c)(2) of this section. Provided, that in order to qualify to operate under this paragraph (f), such broker or dealer shall at all times maintain net capital equal to the greater of $100,000 (until January 1, 1977, $25,000 in the case of a broker or dealer effecting transactions solely in municipal securities) or 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a) and shall notify, the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing of its election to operate under this provision. Once a broker or dealer has determined to operate pursuant to the provisions of this paragraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

(ii) In the case of a municipal securities broker, as defined in section 3(a)(31) of the Securities Exchange Act of 1934, who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i), and who effects transactions only on a payment versus delivery basis with other brokers or dealers or municipal securities brokers or municipal securities dealers, and who does not hold funds or securities for, or owe money to, customers and does not otherwise carry accounts of, or for, customers, in order to qualify to operate under this paragraph (f) such municipal securities broker shall at all times, until January 1, 1977, maintain net capital equal to the greater of $25,000 or 4 percent of aggregate debit items computed in accordance with Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a. Provided, that in order to qualify to operate under this paragraph (f), such municipal securities broker shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a municipal securities broker has determined to operate pursuant to this subparagraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

* * * * *

§ 15c3-1 [Amended]

2. The last sentence of § 240.15c3-1(c)(2)(vi)(M) and paragraph (f)(3)(iii) is amended to read as follows:

"Provided further, That until October 1, 1976, this paragraph shall not apply to municipal securities."

PUBLIC PROCEDURE

In Release No. 11854, the Commission established a public comment period beginning November 20, 1975, and expiring February 29, 1976, concerning the appropriate capital requirements for brokers and dealers effecting transactions in municipal securities, and indicated its intention to adopt amendments to Rule 15c3-1 [17 CFR 240.15c3-1] succeeding the temporary amendments adopted therein, which were to expire on June 1, 1976. The amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein are framed in light of considerations disclosed in the public's response to this invitation. The Commission finds, pursuant to 5 U.S.C. § 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments to Rule 15c3-1 [17 CFR 240.15c3-1] is impracticable and unnecessary in the public interest. The Commission finds that the amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein relieve regulatory restrictions within the meaning of 5 U.S.C. section 553(d)(1) (1970), and, pursuant to 5 U.S.C. section 553(d)(3) (1970), finds further that it is necessary that these amendments become effective on June 1, 1976, less than 30 days from the publication thereof, in order to preserve continuity with the temporary amendments adopted in Release No. 11854, which otherwise expire on that date.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The amendments to Rule 15c3-1 [17 CFR 240.15c3-1] set forth in this release are adopted pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof. The Commission has determined that these amendments and temporary amendments impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and that the amendments and temporary amendments are necessary and appropriate to implement the provisions of the Act, and particularly the Commission's mandate under section 15(c)(3) thereof to establish minimum financial responsibility requirements for all brokers and dealers.

SOLICITATION OF PUBLIC COMMENT

The Commission invites the views of all interested members of the public concerning the amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein, until July 31, 1976, in order to assist the Commission in the implementation of this phase of its program for the net capital regulation of brokers and dealers effecting transactions in municipal securities.

Moreover, the Commission again solicits the views of all interested members of the public, including the Board, concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. In particular, the Commission invites public comment addressed to the following questions:

1. On the basis of impact studies and other appropriate statistical compilations, what undue concentration criteria should be established for municipal securities; in particular, what position value and time-in-inventory parameters evidence undue concentration in municipal securities?

2. With reference to the contours of a "ready market" for municipal securities, do there exist or can there by evolved uniform criteria for determining whether a bid for a given municipal security is at a level consistent with a municipal security of comparable quality, maturity and interest rate? In light of impact data and other appropriate statistical compilations, are there other possible definitions of a ready market for municipal securities which would be more appropriate?

3. On the basis of impact studies, trial capital computations, and other appropriate statistical compilations, is it appropriate for brokers and dealers effecting transactions solely in municipal securities to operate under Rule 15c3-1(f)(1)(i) and (ii) [17 CFR 240.15c3-1(f)(1)(i) and (ii)], as amended herein, rather than under the AI concept assuming the expiration of the temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)]?

4. On the basis of impact studies, trial capital computations and other appropriate statistical compilations, is it necessary to adjust the treatment of certain items under the alternative net capital requirement to reflect essential differences between the clearance and settlement mechanisms for corporate securities and their counterparts in the municipal securities industry? What would be the effect of modifications suggested in response to this question upon minimum net capital requirements for brokers and dealers effecting transactions solely in municipal securities, computed under the alternative as amended herein? Interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than July 31, 1976. Reference should be made to File No. S7-603. All comments received will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 26, 1976.

[FR Doc.76-17377 Filed 6-14-76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart C—Migrant and Other Seasonally Employed Farmworker Programs

CHANGES IN TITLES AND NOMENCLATURE

Notice is hereby given that the Department of Labor, Employment and Training Administration, is amending 29 CFR Part 97, Subpart C, Migrant and

Other Seasonally Employed Farmworker Programs. The amendments consist of changes of titles and nomenclature required by Secretary's Order 14–75 (40 FR 54485), which changed the name of the Manpower Administration to the Employment and Training Administration.

Since the changes are merely changes of titles and nomenclature and are, therefore, not substantive, proposed rulemaking is not required by the Administrative Procedures Act. The amendments, therefore, shall become effective July 15, 1976.

Accordingly, 29 CFR Part 97, Subpart C, is amended as follows:

1. Throughout the subpart, the term "Manpower Administration" is changed to "Employment and Training Administration."

2. Throughout the subpart, the acronym "ARDM" is changed to the acronym "RA."

3. In § 97.202 Scope and purpose of this subpart., paragraph (a), in the phrase "Migrant and Seasonal Farmworker Manpower Programs," the term "Manpower" is deleted.

4. In § 97.203 Definitions., in the definition of "Section 303," the term "Manpower" is deleted.

5. In § 97.211 Announcement of State planning estimates and invitation to submit Funding Requests., paragraph (a) (4), the term "Assistant Regional Director for Manpower" is changed to "Regional Administrator, Employment and Training Administration (RA)."

6. In § 97.214 Submission of Funding Request., paragraph (b), the term "Assistant Regional Director for Manpower" is changed to "RA."

7. In § 97.267 Procurement standards., paragraph (b), the acronym "MA" is changed to **"ETA".**

(Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93–203, 87 Stat. 839; Pub. L. 93–567, 88 Stat. 1845), secs. 702(a) and 303; S.O. 14–75 (40 FR 54485), unless otherwise noted.)

Signed at Washington, D.C., this 3d day of June 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–17277 Filed 6–14–76;8:45 am]

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 640 (40 FR 4415) as amended by Administrative Order No. 642 (41 FR 3878), the Secretary of Labor appointed and convened Industry Committee No. 12 for Industries in American Samoa, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 12 are hereby published, revising Part 697, Title 29, Code of Federal Regulations as follows:

Sec.
697.1 Wage rates.
697.2 Notices.
697.3 Effective date.

AUTHORITY: Secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208.

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.54 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.66 an hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* (1) The minimum wage for this industry is $1.57 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.70 an hour thereafter.

(2) This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including storage and lighterage operations: *Provided, however,* That this industry shall not include the operation of tourist bureaus and of travel and ticket agencies: *Provided, further:* That this industry shall not include bunkering of petroleum products or activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity: *Provided, further,* That this industry shall not include any activity brought within the purview of Section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(c) *Tour and travel services industry.* (1) The minimum wage for this industry is $1.45 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.50 an hour thereafter.

(2) This industry shall include the operation of tourist bureaus and of travel and passenger ticket services and agencies: *Provided, however,* That this industry shall not include the operation of a freight shipping agency: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.64 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.70 an hour thereafter.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(e) *Construction industry.* (1) The minimum wage for this industry is $1.35 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.45 an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(f) *Hotel industry.* (1) The minimum wage for this industry is $1.10 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.15 an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public, including such activities as are engaged in by a hotel or motel or other lodging facility on its own linens or on garments of its guests; *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage

for this industry is $1.30 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.35 an hour thereafter.

(2) This industry includes all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and sales offices engaged in the distribution of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses: *Provided, however*, That this industry shall not include retailing and wholesaling activities included within other industry wage orders which are applicable in American Samoa.

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is $1.00 an hour effective December 13, 1974.

(2) The laundry and dry cleaning industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *Bottling and dairy products industry.* (1) The minimum wage for this industry is $1.20 an hour for the period ending 1 year from the date specified in § 697.3 and $1.25 an hour thereafter.

(2) The bottling and dairy products industry includes the bottling, sale and distribution of soft drinks in bottles and other containers and the processing or recombining of fluid milk and cream for wholesale and retail distribution and the manufacture of butter, natural and processed cheese, condensed and evaporated milk, malted milk, ice cream, and frozen desserts; including also any warehousing operations incidental to the above activities of firms engaged in these activities.

(j) *The printing and publishing industry.* (1) The minimum wage for this industry is $1.30 an hour for the period ending 1 year from the date specified in § 697.3 and $1.40 an hour thereafter.

(2) The printing and publishing industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *The finance and insurance industry.* (1) The minimum wage for this industry is $1.45 an hour for the period ending 1 year from the date specified in § 697.3 and $1.60 an hour thereafter.

(2) The finance and insurance industry includes all banks and trust companies, credit agencies other than banks, holding companies, other investment companies, collection agencies, brokers and dealers in securities and commodity contracts, as well as carriers of all types of insurance, and insurance agents and brokers.

(l) *The private hospitals and educational institutions industry.* (1) the minimum wage for this industry is $1.20 an hour for the period ending 1 year from the date specified in § 697.3 and $1.30 an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of private hospitals, nursing homes and related institutions primarily engaged in the care of the sick, the aged or the mentally ill or defective who reside on the premises of such institutions, private schools for the mentally or physically handicapped or for gifted children, preschools, elementary or secondary schools, or institutions of higher education: *Provided however*, That this industry shall not include employees of the Government of American Samoa or employees of any agency or corporation of the Government of American Samoa: *Provided, further*, That this industry shall not include any activity to which the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(m) *The government employees industry.* (1) The minimum wage for this industry is $1.20 an hour for the period ending 1 year from the date specified in § 697.3 and $1.30 an hour thereafter.

(2) This industry is defined as the governmental activities of an employee of the Government of American Samoa and of an employee of any agency or corporation of the Government of American Samoa, including both governmental activities brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966 (hospital and educational institutions) and by the Fair Labor Standards Amendments of 1974 (all other government employees): *Provided, however*, That this industry shall not include any employee of the United States or its agencies.

(n) *The miscellaneous industry.* (1) The minimum wage for this industry is $1.10 an hour for the period ending 1 year from the date specified in § 697.3 and $1.15 an hour thereafter.

This industry shall include every activity not included in any other industry defined in this § 697.1, regardless of whether such activities were brought within the purview of section 6 of the Fair Labor Standards Act prior to the 1961 Amendments, by the 1961 Amendments, by the 1966 Amendments, or by the 1974 Amendments.

§ 697.2 Notices.

Every employer subject to the provisions of § 697.1 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.1 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective July 1, 1976 (except as to the laundry and dry cleaning industry).

Signed at Washington, D.C. this 9th day of June 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76-17423 Filed 6-14-76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

ADOPTION OF 1975 ASPR WITH AMENDMENTS

The purpose of this document is to announce that the 1975 edition of the Armed Services Procurement Regulations (ASPR) is being promulgated in the Federal Register system. This document also provides for an updating mechanism that will keep current the ASPR being adopted today.

On June 17, 1975 (40 FR 25643) the Director of the Federal Register (OFR) requested public guidance on the advisability of incorporating by reference into the FEDERAL REGISTER/Code of Federal Regulations system the 1975 edition of the ASPR. Based on the comments received, OFR decided to deny incorporation by reference Notice of this denial was published on May 5, 1976 (41 FR 18558). The May 5 notice, however, provided for publication of the text of the ASPR in three volumes of the Code of Federal Regulations.

Officials of the ASPR Committee and OFR held several discussions during the past year in order to work out an acceptable format for the ASPR publication. As a result of those meetings, two basic decisions were made:

1. Not to print the full text of the ASPR in the daily FEDERAL REGISTER; and
2. To waive the normal CFR numbering requirements.

The May 5 OFR notice explains the first decision as being in the public interest for reasons of economy of printing. The full text of the ASPR runs to over 3,000 pages and a normal press run for the FEDERAL REGISTER would be over 50,000 copies. In that document, OFR provided for free distribution of the CFR volumes to any FEDERAL REGISTER subscriber who made timely application.

The decision to waive CFR numbering requirements was made in order to facilitate printing of the CFR volumes. The numbering used is the codification system employed by ASPR in its looseleaf edition. OFR has prepared a detailed explanation note for each of the CFR volumes so that the user doing research will be able to correlate the text of the present ASPR with the text found in former CFR editions.

The contents of the three CFR volumes will be the July 1, 1975 edition of the

ASPR as amended by changes published in the Defense Procurement Circulars (DPC) 75–1 to 75–4. The revision date on the cover of each volume will be November 1, 1975.

Since November of last year, the ASPR Committee has issued other DPC's further amending the ASPR. Because of deadlines imposed on the CFR production, these DPC's will not be reflected in the November 1, 1975 CFR volumes. However, by separate Federal Register document, the Department of Defense will update the CFR volumes by publishing in the FEDERAL REGISTER the contents of each DPC insofar as it amends the ASPR. These Federal Register documents will identify the specific portions of the ASPR being amended, describe the substance and effect of each amendment, state the effectiveness and reprint in full the change pages to the ASPR. Since the CFR is not a looseleaf system, appropriate identifiers will be placed on the change pages so that users of the CFR volumes will be able to quickly locate the amended portions of their volumes.

Therefore, in consideration of the above, the following amendments are made.

Subchapter A of Chapter I of Title 32, Code of Federal Regulations, is amended by deleting the material presently codified in Parts 1–30 inclusive and replacing it with the July 1, 1975 edition of the Armed Services Procurement Regulation (ASPR) as amended by Defense Procurement Circulars 75–1 to 75–4.[1] The ASPR consists of Sections I–XXVI and Appendices A–N. In lieu of full text publication in the FEDERAL REGISTER, the ASPR text will receive primary publication in the FEDERAL REGISTER/Code of Federal Regulations system as three CFR volumes entitled 32 CFR, Parts 1–39 (Volumes I, II and III).

Effective date: June 15, 1976.

(10 U.S.C. 2202.)

T. G. CASSIDY,
Executive Secretary, Armed Services Procurement Regulation Committee.

EDITORIAL NOTE: Based on current publication schedules, the Office of the Federal Register now estimates that the three CFR volumes containing the 1975 Armed Services Procurement Regulations will be printed and distributed about August 1, 1976.

[FR Doc.76–17379 Filed 6–14–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

The Inland Route, Michigan

On 9 March 1976 there was published in the FEDERAL REGISTER (41 FR 10068), a notice of proposed rulemaking to amend 33 CFR 207.476 with respect to paragraph (c)(2) to change the hours of operations of the Lock in Crooked River, Alanson, Michigan during the months of June, July and August. Interested parties were given the opportunity to submit comments or objections on or before 8 April 1976.

No comments have been received and accordingly, the proposed amendment is hereby established without change and is set forth below effective on June 15, 1976.

(Sec. 7, River and Harbor Act of Aug. 8, 1917, (40 Stat. 266; 33 U.S.C. 1).)

Dated: April 26, 1976.

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

§ 207.476 The Inland Route—Lock in Crooked River, Alanson, Michigan, use, administration and navigation.

* * * * *

(c) *Schedule of seasonal operation.* (1) * * *

(2) June 1 thru August 31—6 a.m., e.s.t., to 11 p.m., e.s.t., daily.

* * * * *

[FR Doc.76–17320 Filed 6–14–76;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

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

Katmai National Monument, Alaska; Fishing

A proposal was published at page 7110 of the FEDERAL REGISTER of February 17, 1976, to amend paragraph (a) of § 7.46 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to provide for bait fishing, on an experimental basis, in the Naknek River from November 15 through March 31.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. One comment was received supporting the amendment. No other comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect July 15, 1976.

(5 U.S.C. 553; 16 U.S.C. 3; 16 U.S.C. 431.)

Paragraph (a) of § 7.46 is amended to read as follows:

§ 7.46 Katmai National Monument.

(a) Fishing. (1) Fishing is permitted only with artificial lures; however, bait, as defined by regulations of the Alaska Department of Fish and Game, may be used from November 15 through March 31 of each year on the Naknek River from markers located just above Trefon's Cabin downstream to the Monument Boundary.

* * * * *

GILBERT E. BLINN,
Superintendent, Katmai National Monument.

[FR Doc.76–17300 Filed 6–14–76;8:45 am]

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

Rocky Mountain National Park, Colorado; Fishing

A proposal was published at page 20640 of the FEDERAL REGISTER of May 12, 1975, to amend paragraph (a) of § 7.7 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to increase the number of non-native trout which may be taken by park visitors, protect the greenback cutthroat trout (*Salmo clarki stomias*) an endangered species, by prohibiting its taking and closing certain waters to the taking of fish; permit the use of fish bait in certain waters by children twelve years of age or under, and delete the Special Management Area on the Colorado River. The long range objective of management is to restore the dynamics of the natural aquatic ecosystems and at the same time to provide protection for the fishery resource which will insure a high quality angling experience for park visitors.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Only one comment was received and it contained a minor objection to one part of the proposed amendment. The proposed amendment is hereby adopted with the following minor change. Bear Lake, which was formerly open to fishing during the winter months, is now closed to all fishing to protect the greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, which was recently reintroduced in keeping with the objective of restoring this formerly extirpated native species to Park waters. Accordingly, on page 3, paragraph (3)(iv), the words "is closed to all fishing from April 1 to October 31, inclusive" have been deleted. This closure is mandated by the Endangered Species Act. The amendment shall take effect July 15, 1976.

(39 Stat. 535, 16 U.S.C. 3; 38 Stat. 800; 16 U.S.C. 195; 45 Stat. 1537; 16 U.S.C. 198c; 87 Stat. 884; 16 U.S.C. 1536; 34 FR 13879; 38 FR 7478; 39 FR 12369.)

Paragraph (a) of § 7.7 is amended to read as follows:

§ 7.7 Rocky Mountain National Park.

(a) Fishing. (1) Possession limit. Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which does not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken.

(i) The possession limit shall be sixteen (16) fish, of which at least all but six (6) fish must be non-native brook trout (char) not exceeding eight (8) inches in length.

(ii) No greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, may be taken or possessed.

(iii) The possession or use of natural bait including worms, insects, fish eggs or parts thereof for fishing purposes is prohibited except as provided by State of

[1] A copy of the 1975 edition of ASPR and Defense Procurement circulars 75–1 to 75–4 has been filed as part of the original document.

Colorado Statutes in those portions of Shadow Mountain Lake, the Colorado River, and Lake Granby where the Rocky Mountain National Park boundaries adjoin Shadow Mountain National Recreation Area; and except that such possession and use is permitted by persons of twelve (12) years of age or under who fish in Boulder Brook above its confluence with Glacier Creek, Sprague Lake, Mill Creek above its confluence with Glacier Creek, and East Inlet Creek below East Inlet Falls.

(3) Waters closed to fishing.

(i) Big Thompson River in Forest Canyon above its confluence with Spruce Creek.

(ii) Fay Lake drainage above 10,200 feet elevation.

(iii) Hidden Valley Creek above its confluence with Fall River.

(iv) Bear Lake.

* * * * *

ROGER J. CONTOR,
Superintendent,
Rocky Mountain National Park.

[FR Doc.76-17299 Filed 6-14-76;8:45 am]

Title 40—Protection of Environment

[FRL 562-8]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of Utah

Pursuant to the delegation of authority for the standards of performance for twelve (12) categories of new stationary sources (NSPS) to the State of Utah on May 13, 1976, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER. The amended § 60.4, which adds the address of the Utah Air Conservation Committee to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 13, 1976, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: June 10, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (TT) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(TT)—State of Utah, Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113.

* * * * *

[FR Doc.76-17433 Filed 6-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Aircraft; Deletion and Reservation of Subpart

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Subpart 114-38.53 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted and reserved.

Material previously contained in Subpart 114-38.53 has been converted to Part 413 of the Departmental Manual and Operational Procedures Memoranda issued by the Office of Aircraft Services. These directives will remain in effect until reissued under new Parts 350 to 354 of the Departmental Manual.

This amendment relates only to matters of internal Department practice. It is therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on June 15, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JUNE 4, 1976.

[FR Doc.76-17292 Filed 6-14-76;8:45 am]

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on June 15, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JUNE 4, 1976.

PART 114-25—GENERAL

Subpart 114-25.48—Reports

Section 114-25.4801 is revised to read as follows:

§ 114-25.4801 Supply Activity Report.

Unless excepted under the provisions of FPMR 101-25.4801(c), each bureau and office shall:

(a) Prepare GSA Form 1473, Supply Activity Report, in accordance with the instructions, and

(b) Submit the original and two copies of a consolidated report to the Office of Management Services (PM) within 45 calendar days after the close of each fiscal year. Negative reports are required and may be submitted in memorandum form.

PART 114-27—INVENTORY MANAGEMENT

Subpart 114-27.2—Management of Shelf-Life Materials

The headings to §§ 114-27.206 and 114-27.206-1 are redesignated to read as follows:

§ 114-27.207 Control and inspection.

§ 114-27.207-1 Agency controls.

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114-38.1—Reporting Motor Vehicle Data

§ 114-38.101 [Amended]

Section 114-38.101(d) is amended by changing the reference in the fourth line from "IPMR 114-38.103(b)" to "IPMR 114-38.101(b)".

§ 114-38.102 [Amended]

Section 114-38.102 is amended by revising the last sentence to read as follows:

* * * Section II is to be completed by all bureaus and offices owning vehicles.

Section 114-38.102-1 is amended to read as follows:

§ 114-38.102-1 Reporting period and submission.

Both Standard Form 82 and Standard Form 82d shall be submitted in triplicate to the Office of Management Services (PM) within 60 calendar days after the close of each fiscal year.

Subpart 114-38.9—Motor Vehicle Replacement Standards

§ 114-38.901 [Amended]

Section 114-38.901(b) is amended by deleting the words "25 percent of" from the second sentence.

PART 114-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114—39.8—Accidents and Claims

Section 114-39.801 is revised to read as follows:

§ 114-39.801 General.

The reporting procedures established by FPMR 101-39.8 are in addition to the Departmental reporting requirements in 485 DM 4 (DI-134) and 451 DM 4 (Solicitor's Office Form 26).

PART 114–41—AUDIT OF TRANSPORTATION PAYMENTS

Subpart 114–41.3—Freight Transportation Services Furnished for the Account of the United States

Section 114–41.304–2(a) is revised to read as follows:

§ 114–41.304–2 Limited authority to use commercial forms and procedures.

(a) As provided in 205 DM 9, the head of each bureau and office may authorize the use of commercial forms for small domestic shipments. FPMR Temporary Regulation G–23 and GSA Bulletin FPMR G–120 set forth the procedures to be followed in connection with such use.

* * * * *

PART 114–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.4—Disposal

Section 114–46.407, is revised to read as follows:

§ 114–46.407 Reports.

The report on exchange/sale transactions shall be prepared in accordance with FPMR 101–46.407 and submitted to the Office of Management Services (PM) within 60 calendar days after the close of each fiscal year.

[FR Doc.76–17293 Filed 6–14–76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121k—REGIONAL EDUCATION PROGRAM FOR HANDICAPPED PERSONS

Awards of Grants and Contracts

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52628–52630) setting forth a proposed amendment to Title 45 of the Code of Federal Regulations, which would add a new Part 121k to govern the administration of the Regional Education Program (under section 625 of the Education of the Handicapped Act, as amended; 20 U.S.C. 1424a). The proposed regulation sets forth rules and criteria governing the award of grants and contracts to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specifically designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

Pursuant to section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), interested parties were invited to submit comments, suggestions, or objections regarding the proposed regulation. These written comments were considered in the formulation of the final regulation. The following comments were submitted to the Office of Education regarding the proposed regulation. After the summary of each comment, a response is set forth stating changes which have been made in the regulation or the reasons why no change is deemed necessary. The comments are arranged in the order of the sections of the final regulation.

SUMMARY OF COMMENTS AND RESPONSES

1. § 121k.2 *Definitions.*

Comment. A commenter suggested that the word "crippled" be removed from the regulation and in its stead insert the categories of physical disability specified in the 1973 Vocational Rehabilitation Act.

Response. No change has been made in the regulation. The nomenclature used in specifying the handicapped persons eligible for participation in this program was mandated by Congress in the legislation establishing this program. (see 20 U.S.C. 1424a(c)).

2. § 121k.15(b) *Application requirements.*

Comment. A commenter suggested that the deaf should not be included among the handicapped groups whose mainstreaming into regular programs is to be encouraged. The commenter suggested that, for most purposes, the ideal situation would be to have classes only for the deaf.

Response. No change has been made in the regulation. The U.S. Office of Education recognizes that some deaf persons may not be capable of successful integration into regular education programs. However, it is the Office of Education's position that, whenever possible, all necessary assistance should be provided those handicapped persons who seek this objective and for whom this objective is possible. Additionally, the applicable section does not require this integration. Rather it requests information on those services that will assist in this integration.

Comment. One commenter, emphasizing the ability of the blind to participate effectively in the standard school environment, suggested that the regulation would have the effect of encouraging the blind to attend only those schools which have programs for the handicapped. The commenter feared this would make the blind less independent, denying them the freedom to choose the school of their choice.

Response. No change has been made in the regulation. The U.S. Office of Education recognizes that the blind are often capable of successful integration into a regular education program. The regulation does not require that the blind participate solely at those institutions which have programs for the handicapped. Rather, it is the intent of this regulation to make specially designed programs available to those handicapped persons who desire them. The programs are to be designed to facilitate mainstreaming, where feasible.

3. § 121k.16(f) *Initial year application.*

Comment. Several commenters expressed concern that this regulation would conflict with the responsibilities of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare.

Response. No change has been made in the regulation. The U.S. Office of Education and the Rehabilitation Services Administration have many clientele in common. However, the services provided by the Rehabilitation Services Administration through the State Vocational Rehabilitation Agencies relate primarily to tuition cost, subsistence allowances, and special equipment.

Section 121k.19(b) specifically excludes the use of funds provided in this part for purposes of payment of tuition or subsistence allowances. Section 121k.19(c) governs the use of these funds for purchase of equipment.

4. § 121k.17(a) *Priorities.*

Comment. A commenter questioned whether assigning priority to programs serving multi-state regions or large population centers would result in handicapped populations being concentrated in a few institutions, thus discouraging integration into regular school programs.

Response. No change has been made in the regulation. The assigning of priority consideration to programs serving multi-state regions or large population centers is mandated by the legislation establishing this program (20 U.S.C. 1424a(b)(1)).

5. § 121k.18 *Criteria for evaluation of applications.*

Comment. A commenter suggested that two criteria be added to those presented in the proposed regulation: (1) Evidence of the involvement of handicapped students in assessment of needs for services to be provided by the applicant; and (2) Evidence of cooperation with existing agencies serving handicapped students and evidence of utilization of existing resources for services to handicapped students.

Response. No change has been made in the regulation. 1. The U.S. Office of Education encourages consumer input and participation in funded projects. However, it is anticipated that many applicants would be entering the area of support services for the handicapped for the first time and would not necessarily have established extensive and formal relationships with a representative cross-section of handicapped persons. Therefore, it has been determined that such a prerequisite would impact unfairly on those applicants. 2. Section 121k.16(f) requires applicants to describe how coordination with other agencies will be effected.

6. § 121k.19 *Services, activities, and resources to be supported.*

Comment. Several commenters suggested additional services to be included under this section. Such services as physical and occupational therapy, driver education for the handicapped, reading/study skills, cooperative work experience, independent living skills, and vision care were suggested, among others.

Response. No change has been made in the regulation. The services cited in this section are illustrative of the services which could be supported under this authority and are not meant to be all-inclusive. Other appropriate services may be supported.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding a new Part 121k, to read as set forth below.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalogue of Federal Domestic Assistance Program No. 13.560, Regional Education Program for Handicapped Persons.)

Dated: April 22, 1976.

T. H. BELL,
Commissioner of Education.

Approved: June 8, 1976.

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

PART 121k—REGIONAL EDUCATION PROGRAMS

Subpart A—General

Sec.

121k.1 Scope.
121k.2 Definition of handicapped persons.
121k.3 Purpose.
121k.4 Eligible parties.

Subpart B—Applications; Activities

121k.15 Application requirements.
121k.16 Initial year application.
121k.17 Priorities.
121k.18 Criteria for evaluation of applications.
121k.19 Services, activities, and resources to be supported.
121k.20 Auxiliary activities.

AUTHORITY: Section 625 of Pub. L. 91-230, as amended, 88 Stat. 584 (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 121k.1 Scope.

(a) This part applies to programs funded under section 625 of the Act.

(b) Programs funded under this part are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421a)

§ 121k.2 Definition of handicapped persons.

For the purposes of this part, the term "handicapped persons" means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programming and related services.

(20 U.S.C. 1424a(c))

§ 121k.3 Purpose.

Payment of Federal funds under this part may be made to eligible parties for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(20 U.S.C. 1424a(a))

§ 121k.4 Eligible parties.

Parties eligible to receive Federal funds under this part are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

(20 U.S.C. 1424a(a))

Subpart B—Applications; Activities

§ 121k.15 Application requirements.

Applications for funds under this part shall be submitted to the Commissioner in accordance with Subparts B and C of Part 100a of this chapter and shall contain the following additional information:

(a) A description of the handicapping conditions of the persons to be served;

(b) Specification of the resources and services needed by the handicapped persons to be served which will assist in the successful integration of those handicapped persons into a nonhandicapped school population and regular educational program;

(c) A plan for provision of an integrated comprehensive range of services and resources specified in paragraph (b) of this section to assist handicapped participants in competing academically with nonhandicapped students;

(d) Provision for a survey covering the geographical area from which potential participants in the program will be drawn, and assessment of the needs of such participants;

(e) A description of the procedures and resources which will be used to determine and provide the services necessary to meet the special individual needs of each handicapped person who will participate in the program;

(f) A description of the objectives of the program in relation to the specific services which will be provided for the handicapped persons to be served; and

(g) A description of the procedures which will be used for evaluation of the programs as required under § 100a.276 of this chapter, including the evaluation of:

(1) The services to be provided;

(2) The resources to be used;

(3) The progress of the handicapped persons to be served;

(4) The strategies for followup of the handicapped persons participating; and

(5) The needs assessment carried out under paragraph (d) of this section.

(20 U.S.C. 1424a)

§ 121k.16 Initial year application.

An initial year application for funds under this part shall contain, in addition to the information required under § 121k.15, the following:

(a) A description of the geographical region or regions or population centers to be served, including the demographic characteristics;

(b) The anticipated number of handicapped participants to be served in the program who currently are not being provided with an appropriate and/or adequate education program;

(c) The estimated number of handicapped persons to be served annually under the program;

(d) The criteria which will be used to determine whether a person is handicapped for purposes of participating in the program;

(e) A description of sources of support and supplementary services such as housing, health care, and recreation, which will be available for use in the program;

(f) A description of how the requirement under § 100a.275 of this chapter for coordination with other agencies will be met; and

(g) A plan for long range funding which includes strategies for increasing the amount of funds for the program from sources other than under this part.

(20 U.S.C. 1424a)

§ 121k.17 Priorities.

Priority consideration for Federal funds under this part will be given to:

(a) Programs serving multistate regions or large population centers;

(b) Programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

(c) Programs designed to serve areas where a need for these services is clearly demonstrated.

(20 U.S.C. 1424a(b))

§ 121k.18 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) Whether the program under this part will be carried out in facilities easily accessible to physically handicapped persons;

(b) Whether the program will be located in an area in which public transportation is readily available, or transportation will be provided at reasonable cost to handicapped persons participating in the program;

(c) Whether the program will serve handicapped persons for whom other appropriate education programs are not readily available; and

(d) The likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding under this part as measured by evidence of financial and other commitment of the

applicant to the program and other funds available to the program.

(20 U.S.C. 1424a)

§ 121k.19 Services, activities, and resources to be supported.

(a) *Illustrative services.* The following is an illustrative list of the types of resources, services, and activities which may be supported (in whole or in part) under this part:

(1) Interpreters;
(2) Tutors;
(3) Notetakers and readers;
(4) Wheelchair attendants;
(5) Guidance counselors;
(6) Auditory training;
(7) Job placement and followup;
(8) Preparatory and orientation services;
(9) Supplementary learning experiences;
(10) Instructional media;
(11) Inservice training relating to the handicapped participants in the program, for teachers and other educational staff;
(12) Administrative expenses such as employment of a director, administrator, or coordinator for the program; and
(13) Planning and evaluation activities.

(20 U.S.C. 1424a)

(b) *Tuition.* Federal funds provided under this part shall not be used for the payment of tuition or subsistence allowances.

(c) *Construction and remodeling.* Federal funds provided under this part shall not be used for costs of construction (as defined in § 121.2 of this chapter), except for the costs of minor remodeling (as defined in § 100.1 of this chapter) which, for the purposes of this part, may include the acquisition, installation, modernization, or replacement of equipment.

(20 U.S.C. 1404, 1424a)

§ 121k.20 Auxiliary activities.

(a) Applications for Federal funds under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1424, 1424a)

[FR Doc.76-17308 Filed 6-14-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20710; RM-2544]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Ida Grove and Carroll, Iowa

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Ida Grove and Carroll, Iowa).

1. On February 24, 1976, the Commission issued a *Notice of Proposed Rule Making*, 41 FR 7430, in the above-entitled matter proposing the deletion of Channel 224A from Carroll, Iowa, and its assignment to Ida Grove, Iowa. The proceeding was instituted on the basis of a petition filed by Midwest Industries. There were no oppositions to the proposal. Supporting comments were filed by the petitioner.

2. Ida Grove is a community of 2,261 persons,[1] and the seat of Ida County, population 9,190. It is located in northwest Iowa, approximately 45 miles east of Sioux City, Iowa, and 35 miles northwest of Carroll, Iowa. It has no AM, FM or TV broadcast facilities.

3. Carroll is a community of 8,716 persons, located in Carroll County, population 22,912. It is served by unlimited-time AM Station WCIM (Class III) and Class C FM Station WCIM-FM, operating on Channel 229. Carroll is also assigned Channel 224A, which is unoccupied and unapplied for.

4. Petitioner stated that local industry consisted of farm equipment and plaster manufacturing, commercial trucking and general contracting. It submitted information regarding civic and recreational activities, and also stated that an elementary, a junior high and high school were located in Ida Grove. Petitioner further stated that a local facility would fill an important need for coverage of general events in the community and of important news items including storm alerts, nighttime sports, disasters affecting the area, and school announcements. It also added that there was an important need to provide a new local competitive advertising outlet for retail businesses in Ida Grove and Ida County. Petitioner, in its supporting comments, has reaffirmed its intention to apply for the channel if it is assigned.

5. The assignment of Channel 224A to Ida Grove, by deleting the assignment at Carroll, complies with the minimum mileage separation rule, provided the site for an FM station at Ida Grove is located at least 7 miles southeast of the community. The proposed assignment would preclude the use of Channel 224A in Carroll, Iowa. However, no other new preclusion would occur on Channel 224A or on pertinent adjacent channels.

6. We believe that it would be in the public interest to assign Channel 224A to Ida Grove, Iowa. It has been shown that there is a demand for its use. The assignment of the channel would provide the community with an opportunity to institute a first local broadcast transmission service. Channel 224A at Carroll has remained vacant and unapplied for, and no interest has been shown for its use at Carroll, Iowa, in response to the *Notice* herein.

[1] All population figures are taken from the 1970 U.S. Census.

7. Authority for the adoption of the amendments contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's Rules and Regulations.

8. In view of the foregoing, *it is ordered*, That effective July 19, 1976, the FM Table of Assignments is amended to read as follows:

City:	*Channel No.*
Carroll, Iowa	229
Ida Grove, Iowa	224A

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 4, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17383 Filed 6-14-76;8:45 am]

[Docket No. 20129; RM-1989, RM-2019; FCC 76-509]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Muncie, Indiana and Eaton, Ohio

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Muncie, Indiana and Eaton, Ohio).

1. The Commission has before it the *Notice of Proposed Rule Making/Memorandum Opinion and Order*, 39 Fed. Reg. 29201 (1974), in this proceeding and responsive filings[1] by Ball State University ("Ball State"), McGraw-Hill Broadcasting Company ("McGraw-Hill"), Muncie Broadcasting Corporation ("MBC") and the Corporation for Public Broadcasting ("CPB"). All of these filings are directed to the use of FM Channel 221A at Muncie, Indiana, primarily on a reserved basis by an educational station. In addition to the proposal to use the channel at Muncie, we have a petition for reconsideration of our *Memorandum Opinion and Order* denying the petition for rule making to add Channel 221A to Eaton, Ohio. The petition was filed by Western Ohio Broadcasting Service, Inc. ("Western Ohio"), licensee of FM Station WCTM-FM, Eaton, Ohio. It seeks to have the Commission again consider the possibility of assigning Channel

[1] Included in these filings are two sets of reply comments from Ball State. It sought and we grant leave for the filing of a response to the McGraw-Hill reply comments, McGraw-Hill's first formal filing in this proceeding. Similarly, leave is granted to MBC to file its additional reply comments.

221A to Eaton, Ohio, as a second FM assignment.

2. The allegation in the Western Ohio petition for reconsideration is that the Commission relied on an inaccurate understanding of the factual situation regarding the Eaton proposal when we decided to reject it. Specifically, it is said that we relied on the fact that an assignment as Western Ohio proposed would create a short-spacing in violation of our rules. However, Western Ohio asserted, that an earlier agreement with the station with which the short-spacing would occur, had been reinstated and it had agreed to change its site. Thus, it is said, the premise for the denial did not exist as the earlier withdrawal of the agreement to change site was removed as an impediment before the Commission acted.

3. Even if we agree that the Commission was incorrect in not accepting the fact that the station (WCWT(FM), Centerville, Ohio) was willing to change site,[2] there are other problems with the Eaton proposal, unconnected with this issue, which require our affirming the earlier denial. First of all, there is a serious question about the need for a second FM assignment for a community as small as Eaton with a population of only 6,020 persons. Also, the proposal would be in conflict with our policy which calls for not intermixing classes of channels, and, we have not been offered a showing to justify an exception to this policy. This proposal cannot reasonably prevail over Muncie where it would preclude use of the channel in a place 10 times as large where it is much more needed. Thus, it is clear that grant of the petition for reconsideration would not be in the public interest. As a result, the petition must be denied.

4. We now turn to the question of a use of Channel 221A as a commercial assignment to Muncie. Each time the Commission examined the situation before, it concluded that an additional commercial channel could not be added based on the showing which had been provided. In issuing the subject *Notice* the Commission again refused to propose assigning the channel for commercial use and proposed its use on an educational reserved basis instead. Nonetheless, the desire for a second commercial FM channel for Muncie as expressed by MBC continues unabated and is at the heart of the filing by MBC. This is in contrast with the lack of response from a proponent for another community. In the *Notice of Proposed Rule Making/Memorandum Opinion and Order* which denied MBC's proposal, we also denied a conflicting proposal for use of Channel 221A at Alexandria, Indiana. This action was based on our determination that the need for the channel at Muncie for educational use was greater than for its commercial use at Alexandria. Unlike MBC, the Alexandria proponent has made no attempt to relitigate the issue of an Alexandria assignment.

5. Since the responses to the *Notice* do not offer any new counterproposals for use of Channel 221A, the only points now to be resolved are whether to assign Channel 221A to Muncie and if so, whether to do so on a reserved basis. Although MBC continues to argue in favor of using the channel commercially, it urges that if this were not to be done, action on Channel 221A should be deferred pending disposition of MBC's pending Channel 285A proposal. In the latter proposal MBC points out that this channel could be made available for use in Muncie if a number of channel changes were effected. After reviewing the petition, we have been persuaded that it merits exploration. Thus, simultaneously with our action here, we have adopted a *Notice of Proposed Rule Making* seeking comments on that proposal. We believe that this provides MBC with the relief it seeks and that its specific assertions about the need for or the availability of Channel 221A for commercial use need not be discussed further. As is made clear in the following discussion, even without the availability of Channel 285A, we would not proceed differently with Channel 221A. However, it should be noted that inauguration of both services is likely to be enhanced by proceeding in the manner we have chosen. In response to MBC's concern about possible delay, it should understand that it is the Commission's firm intention to act promptly in the Channel 285A proceeding.

6. As the *Notice* in this proceeding pointed out, Channel 221A ordinarily is intended for commercial rather than educational use, and a party desiring an educational channel would be expected to select such from the group of 20 channels (201–220) reserved for this purpose. A rule making petition is not a necessary step in such cases except in the Mexican border area. However, because Muncie area residents rely on reception of a Channel 6 television station at Indianapolis, some 50 miles or so from Muncie, the possibility of interference has to be taken into account in considering the use of the reserved educational channels. These educational channels are immediately above the frequency band set aside for television Channel 6, and their use raises the possibility of interference to Channel 6 television reception. Generally speaking, the lower the frequency (that is, the lower the channel number), the greater the potential for interference, all other things being equal. Also, the stronger the FM signal is in relation to that of the television station, the worse the interference problem. In the present case, because of concern about possible Channel 6 interference, it has become clear that Ball State cannot look to the educational portion of the band for a solution to its present inability to increase its present 10-watt Channel 214 operation.[3] To remedy this problem, it proposes to use Channel 221A, and it hopes to obtain support from the Office of Education of the Department of Health, Education and Welfare for construction of the new facilities and as a result of the eligibility it would obtain by increasing its facilities, gain operational support from the Corporation for Public Broadcasting. With its present limited facilities, however, the station is not eligible for CPB support. The only other filing is that of CPB whose response is essentially an endorsement of the proposal to increase Ball State's facilities.

7. Muncie presently has two educational stations WBST(FM) and WWHI (FM), which are licensed to Ball State University and Muncie Community Schools, respectively. Station WBST (FM) operates on Channel 214 as a Class D station with 10 watts transmitter power output and WWHI(FM) operates with 310 watts ERP and an antenna height of 79 feet. Ball State has been exploring methods of obtaining more substantial facilities. At first it attempted to use one of the noncommercial educational FM channels, but it had to abandon this approach because the potential for serious interference to Channel 6 reception prevented it from using the Class B equivalent facilities desired. From the facts on hand, there seems to be little dispute that if an educational service is to be provided to Muncie and environs, it cannot come through the use of one of the channels currently set aside for noncommercial assignments. Thus, Ball State offered and the Commission agreed to consider the subject proposal for use of Channel 221A and to make other changes necessary to permit utilization of that channel. Although the proposal was designed to minimize the interference potential, the Commission acknowledged in the *Notice of Proposed Rule Making* that it could involve some interference potential. The only difference from the situation pertaining to present operations in Muncie would be one of degree.

8. McGraw-Hill, licensee of Channel 6 at Indianapolis expresses concern about

[2] While we do not believe this to be as clear as petitioner asserts, the issue is not crucial in light of the independent reasons that necessitate our action denying the petition for reconsideration.

[3] It has agreed to dismiss its pending application (File No. BPED–1181, which proposed operation on an educational channel) upon the taking of favorable action in this proceeding.

the proposal. It argues that not only would interference occur if the proposal were adopted, but it charges that in fact such interference already exists. Ball State offers material to refute McGraw-Hill's contentions, arguing that not only would significant harm not result to Channel 6 reception, but matters would well be improved[4] by our deciding in favor of this proposal.

9. The question of possible interference to Channel 6, traceable to its proximity to the educational portion of the FM band is not unique to this case. It has been vexing broadcasters (commercial and educational) as well as the Commission for some time, and during this period the Commission has been exploring various possible solutions. In particular, the Commission has been interested in establishing a reliable method of determining the extent of the interference potential and its import in various types of cases. Although the Commission earlier issued a technical report on the issue, even this report, R–6702, at the time did not purport to resolve all disputes.[5] In fact, Ball State argues here that the Report needs modification for use in the present circumstances and has developed its own formula, derived from this Report. This formula is said to show that the potential for interference in the Muncie area is quite limited. McGraw-Hill disputes the legitimacy of using a substitute formula and argues that the Commission should rely on its own formula contained in R–6702 in resolving the issues in this case. The original formula as employed by McGraw-Hill shows a greater potential for interference than does the Ball State substitute formula. The parties also are in dispute about another key point, the extent to which such interference could be corrected. Some discussion is required to explain the context of these disputes.

10. As matters now stand, Ball State operates with 10 watts on Channel 214 and Station WWHI operates on Channel 218 with 310 watts and an antenna height above average terrain of 79 feet. Ball State proposes to vacate its present channel and operate on Channel 221A. Station WWHI in turn would move from Channel 218 to Channel 217 to accommodate the presence of Ball State on Channel 221A.[6] Ball State has accepted the responsibility for assuming the costs of the channel change for Station WWHI and has agreed to aid that station in the correction of any interference problems which might arise from the change in frequency. This arrangement meets with Station WWHI's approval but not that of McGraw-Hill. McGraw-Hill does not dispute the assertion that the ending of an operation on Channel 214 would be beneficial in terms of lessening problems with reception of Channel 6, but it does not accept this step as counter-balancing the effect of a change of Station WWHI to Channel 217. That step, it argues, could produce serious problems by itself.

11. Even though the Commission cannot predict the exact impact the proposal would have, it is possible for the Commission to resolve this dispute and reach a judgment on the proposed use of Channel 221A. In doing so we need to consider the Commission's Report (R–6702) which attempts to provide a formula for use in analyzing the potential for Channel 6 interference. The parties do not dispute what the unmodified R–6702 formula shows about the potential for interference. Both sides agree that if the formula is used in this fashion, it would show that the change of frequency for Station WWHI from Channel 218 to Channel 217 would increase the diameter of the area of interference around the FM station from the present 0.982 miles to 1.24 miles. However, Ball State does not stop there. It asserts that the report's formula is designed for use in two situations, in areas so close to the television stations that its viewers would rely on "rabbit ears" antennas, or to areas at or beyond the television station's Grade B contour, areas where of necessity the television signal is weak. Ball State asserts that neither condition applies in this instance and points out that Muncie lies between the Grade A and Grade B contours of Channel 6. It contends that its modified formula better described the potential for interference in such circumstances. McGraw-Hill not only disputes the appropriateness of using Ball State's variation on the R–6702 formula to show that interference would be no problem, it contends that the formula aside, no worsening of what it charges are already significant interference problems should be tolerated.

12. Ball State asserts that it has been unaware that any interference problems from its present operation have remained uncorrected. McGraw-Hill on the other hand, contends that such interference continues and argues that field tests it has made show that the picture quality of Channel 6 reception in the Muncie area has been significantly degraded by interference, and it points to letters from two television repairmen as indicating such interference problems sometimes are beyond correction.[7] In response, Ball State points out that McGraw-Hill has mentioned only seven cases of alleged interference, a number Ball State says is inadequate to demonstrate the existence of a significant interference problem. Ball State mentions two other points as well to support its view that the interference problem has been exaggerated. The first is that a sizeable number of homes in the Muncie area need not depend on off-the-air reception but could be viewing Channel 6 via the local cable systems. A sizeable number of residents are said to be already doing so. Ball State also questions how it is possible for the problems to be so severe as McGraw-Hill now asserts and yet nothing was heard about it earlier. McGraw-Hill response is that the failure of Ball State to receive such complaints only shows that these people suffer the interference quietly and often are unaware of its cause.

13. Since this is not the first case of its kind, the Commission is able to employ its experience in evaluating the competing allegations. From the information presented, it is clear that the present case is at neither extreme in terms of the degree of interference potential. Typically, matters are at their worst when the television signal is at its weakest and the FM signal the strongest. Conversely, they are best when the FM signal is its strongest where the television signal is too, as in the case of locating both antennas on the same tower. Here, Muncie lies between the Channel 6 Grade A and Grade B contours. In a situation like this, it is not unreasonable to expect that some interference could be expected to occur. Even so, if the potential for interference were allowed to be the sole determinant, we would foreclose making any possible educational assignment in large areas of the country. In addition to the degree of interference potential, we need to consider whether it could feasibly be corrected. To do this we would take into account the population density in the area of the proposed educational station as well as the engineering facts of the case. At that point, a balance could be drawn. If we were to adopt this proposal, the lowest channel in use would be Channel 217. Use of all channels below that would in effect be foreclosed to protect Channel 6 recep-

[4] Of course, it is not necessary that we find that any such improvement would take place before we could act. Rather, since we have concluded that in other respects the proposal is meritorious, the question is whether the information on the Channel 6 issue provides cause for altering this judgment.

[5] The Commission has recently begun a proceeding in Docket No. 20735 to explore various issues relating to the assignment policies to govern educational channel usage. That proceeding, as well as Docket No. 19183, deal with Channel 6 interference, but resolution of the dispute here does not need to await resolution of these issues on an overall basis.

[6] If this took place, the lowest channel in use in the area would be 217 rather than 214 as is now the case. About 10 miles away there is another 10 watt operation, but it has agreed to change channel to avoid problems with Ball State's station.

[7] One asserts that they are not correctable, the other that some of them can be cured or improved, but not all can be.

tion. This is a substantial degree of protection, even if it is less than McGraw-Hill seeks.

14. Whether this provides adequate protection turns on a number of points. Whether we agree with Ball State's suggested substitute formula as a means of describing the interference potential or not is a matter we do not have to resolve. Likewise, we do not need to rely on the availability of Channel 6 through the local cable television system. Even if the original formula is used, the area where intereference could be expected is relatively small. This doughnut-shaped newly affected, area, at worst, would extend no more than an additional ¼ mile from the FM station. We do not see this as posing a major problem, particularly as the population density in the area is not high. Nor, are we persuaded that such problems as might occur would be beyond correction. McGraw-Hill offers the partly ambiguous assertions of two repairmen on this point, but even they are not in agreement about whether it is possible to correct interference problems. Moreover, the specific examples McGraw-Hill cites are few, and the results of its tests are at best, inconclusive. Even if these tests could be taken as showing that interference would occur, it does not show that such interference would be beyond cure, as no attempt was made to employ the remedial measures Ball State has previously used to such good effect. Also of importance is the fact that the examples mentioned by McGraw-Hill were limited to cases in which the television antenna, generally speaking, had to point in the direction of the FM station in order to be oriented in the direction of Channel 6. Television antennas are directionalized in that they are designed to get the best reception when facing the desired stations. Thus, if in being oriented to the television station, they also face a nearby FM station, any adverse effect due to the presence of an FM signal is at its worst. At other locations in the area around the FM station, this adverse effect is diminished because the antennas facing the TV stations tend to discriminate against the unwanted FM signal. Obviously, only a small proportion of the homes in the area have to face the FM station when oriented toward Channel 6. Even if some relatively few cases of interference do occur under these circumstances, we have been given no basis for concluding that they would be beyond correction. All of this leads us to conclude that the anticipated consequences of the changes here proposed would not be so great as to preclude favorable action on them. We further note that Ball State has unambigously undertaken responsibility for all necessary corrective efforts. Having considered these matters, we find that McGraw-Hill contentions are not persuasive and adoption of our proposal will serve the public interest. We are also concerned that if the proposal were denied, it would end any chance for significant public radio service originating in the Muncie area. Channel 221A can be assigned consistent with all applicable spacing and other requirements, and its assignment on a reserved basis is consistent with the prior actions in similar cases cited in the *Notice*. We believe the assignment to be clearly in the public interest in that it would provide a much needed educational service with facilities adequate to cover the area. Since the licensee of Station WWHI on Channel 218 as well as Ball State on Channel 214 have expressed their willingness to modify their licenses to specify operation on Channel 217, and Channel 221A, respectively, such changes can be ordered without the need to issue a formal Show Cause Order.

15. *Accordingly, it is ordered,* Pursuant to Sections 4(i), 303 (g) and (r) and 307 (b) of the Communications Act of 1934, as amended, That, effective July 15, 1976, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City:	*Channel No.*
Muncie, Ind	*221A, 281

16. *It is further ordered,* That effective July 15, 1976, pursuant to Section 316 of the Communications Act of 1934, as amended, license held by Muncie Community Schools for Station WWHI(FM), Muncie, Indiana, is modified to specify operation on Channel 217 in lieu of Channel 218 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 15, 1976, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 218 under its outstanding authorization until it is ready to operate on the new frequency.

(c) The licensee shall submit to the Commission by August 16, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WWHI(FM) on Channel 217, at Muncie, Indiana.

(d) Ten days prior to commencing operation on Channel 217, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) The licensee shall not commence operation on Channel 217 until the Commission specifically authorizes it to do so.

17. *It is further ordered,* That effective July 15, 1976, pursuant to section 316 of the Communications Act of 1934, as

amended, the license held by Ball State University for Station WBST(FM), Muncie, Indiana, is modified to specify operation on Channel *221A in lieu of Channel 214 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 15, 1976, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 214 under its outstanding authorization until it is ready to operate on the new frequency.

(c) The licensee shall submit to the Commission by August 16, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WBST(FM) on Channel *221A at Muncie, Indiana.

(d) Ten days prior to commencing operation on Channel *221A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) The licensee shall not commence operation on Channel *221A until the Commission specifically authorizes it to do so.

18. *It is further ordered,* That the petition for reconsideration is denied;

19. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 1, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17380 Filed 6-14-76;8:45 am]

[Docket No. 20645, FCC 76-511]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of: amendment of the rules governing the design and measurement of radiation patterns for standard broadcast stations with directional antennas.

By the Commission: Commissioner Reid absent.

1. This proceeding was instituted as a result of a recommendation by the Association of Federal Communications Consulting Engineers (AFCCE), an organization which represents many consulting engineers practicing before the Commission. *Notice of Proposed Rule Making in Docket No. 20645,* FCC 75-1262, 40 FR 54826 (1975). Amendments to §§ 73.150 and 73.152 of our rules were proposed. Those sections govern the design of directional antenna patterns for standard broadcast stations. As extended, comments were due on January 29, 1976, and reply comments were due on February 9, 1976.

2. Comments were submitted by AFCCE, Ralph Bitzer, Hatfield and Dawson, Robert A. Jones, E. Harold Munn, and Robert M. Silliman and John A. Moffet d/b/a Silliman, Moffet and Kowalski (SMK). Reply comments were received from Clear Channel Broadcasting Service (CCBS), an informal organization composed of the licensees of certain Class I-A clear channel broadcast stations.

3. Presently, the rules require that a proposed directional antenna pattern be computed with an assumed loss resistance of one ohm located at the loop (or the base if the tower is less than one-quarter wavelength) of each tower. The proposed rules would keep the one ohm loss requirement only as an upper limit on the effective field (RMS) of the pattern. The lower limit on the theoretical RMS would be the value required by § 73.189(b)(2) for a station of the proposed class, as adjusted for the nominal power of the station. All of the parties commenting applauded the proposed modification and urged its adoption. However, AFCCE and CCBS argue that the minimum efficiency specified in § 73.189(b)(2) should be adjusted by the factor of 1/1.05 to compensate for the factor of 1.05 used in computing the standard pattern.

4. In paragraph 16 of the *Notice* we discussed our proposals to make minor changes in the manner in which patterns must be plotted and submitted in order to foster uniformity and clarity. Also in paragraph 16, we discussed some minor changes in the definitions used in computing the modified standard pattern pursuant to § 73.152. The changes were designed to clarify some ambiguities in the present rule. Most parties did not comment on these proposals. However, Hatfield and Dawson indicated that they were in favor of these modifications. AFCCE indicated agreement with one exception and suggested two additional modifications. As proposed, the rules would have required that rectangular plots of patterns be labeled in increments of not less than 10 degrees. AFCCE suggests that labeling in 10 degree increments would unduly clutter the pattern and recommends 20 degree increments instead. AFCCE also suggests that we specifically permit the use of logarithmic scales on rectangular plots. CCBS agrees with AFCCE's suggestions. AFCCE also agrees with our proposal to replace the variable "*Q*" used in § 73.152 with another letter to avoid confusion with the "*Q*" representing a different quantity in § 73.150. However, AFCCE indicates that our proposed replacement of

[1] Commissioner Reid absent.

"Q" by "J" might also result in confusion due to the extensive use of a lower case "j" in other areas of engineering calculations. CCBS replies that all letters of the alphabet are used in one equation or another, and that any letter alleviating the present ambiguity would be suitable. Therefore, CCBS sees no reason why "J" should not replace "Q".

5. The proposed modifications included an attempt to eliminate the possibility of zero "null fill" even with the quadrature addition of "Q" in both the standard and modified standard patterns. We noted that the amount of null fill is presently determined, in part, by $f(\theta)$, the vertical plane distribution factor for the shortest element in the array. If the shortest tower is greater than one-half wavelength, $f(\theta)$ has a value of zero at some vertical angle. This leads to the possibility of a prediction of no radiation in a particular direction since even the term designed to compensate for a null in the theoretical pattern is reduced to zero. Therefore, we proposed to calculate $f(\theta)$ based on the shortest tower in the array, or, if the shortest tower were taller than one-half wavelength, on an assumed tower height of one-half wavelength.

6. Many of the comments dealt with this proposal. Several of those commenting noted that $f(\theta)$ for towers greater than one-half wavelength has values, at certain vertical angles, greater than $f(\theta)$ for one-half wavelength towers. Thus, our proposed solution would eliminate the problem of zero nulls, but would create a misleading, small amount of null fill in other areas. Before discussing the various suggestions aimed at solving this problem, we will define a new variable to make the discussion of the alternatives unambiguous. We will replace the variable $f(\theta)$ in the definition of "Q" in § 73.150 and in the equation in § 73.152 with the variable $g(\theta)$. Thus, for instance, in § 73.150, we have:

7. Hatfield and Dawson suggested that, in cases where the shortest tower is greater than one-half wavelength, $g(\theta)$ be the $f(\theta)$ for the shortest tower or $f(\theta)$ for a one-half wavelength tower, whichever is greater. SMK proposed that $g(\theta)$ be the greater of $f(\theta)$ for the shortest tower and $f(\theta)$ for the tallest tower, but if the shortest tower is greater than one-half wavelength, then $g(\theta)$ should be the greater of $f(\theta)$ for the tallest tower and $f(\theta)$ for a one-half wavelength tower. AFCCE proposes, and CCBS agrees, that $g(\theta)$ include a quadrature component of 0.15. Thus, AFCCE and CCBS would prefer that $g(\theta)$ be computed as follows:

Q is the greater of the following quantities:

$$0.025\ g(\theta)E_{\text{rss}}$$

or

$$6.0\ g(\theta)\sqrt{P_{\text{kw}}}$$

In our present rules, then, $g(\theta)$ is equal to $f(\theta)$ for the shortest tower.

$$\sqrt{f(\theta)^2+0.15^2}$$

Then, it would be normalized so that it is equal to one when θ is equal to zero.

8. All parties proposing these modifications indicated that our normal assumption of sinusoidal current distribution in a thin wire was sufficiently incorrect for electrically tall towers that one of these methods is necessary to compensate for the differences between the actual situation and the assumption. To achieve further accuracy, Hatfield and Dawson would provide for experimental determination of $f(\theta)$ based on actual measurements.

9. Our present rule concerning the calculation of modified standard patterns (note to § 73.152(a)(2)) is silent on the question of overlapping spans of augmentation. However, it has been our policy to prohibit such overlap. SMK have proposed that the note be amended to permit overlap of spans of augmentation, but have not proposed the method by which this would be accomplished. SMK indicate that it is their experience that situations may arise where more than one augmentation is necessary and it is possible that these augmentations may overlap.

10. In its reply comments, CCBS raises several issues which it says must be resolved in this proceeding so that studies made in conjunction with Docket 20642 [1] will be more meaningful. Specifically, CCBS asks that an additional "Q", independent of the vertical angle, be utilized in computing the standard pattern. This is necessary, says CCBS, to take into account the effects of guy wires, imperfections and asymmetries in the ground system, and similar departures from the idealized conditions assumed in the present calculations. This second "Q" would be the same amplitude as the present "Q" on the horizontal plane, but would not vary with the vertical angle as does the present "Q". CCBS also proposes to change the method of computing the "Q" (which we have proposed to denote as "J" in this proceeding) used in the equation for the augmented pattern in § 73.152. This "Q" is used in determining the maximum amount of augmentation, and is multiplied by what we have redescribed as $g(\theta)$ to determine the augmented radiation in the vertical plane. Since $g(\theta)$ is always less than one if θ is greater than zero and is equal to one if θ is zero, the maximum augmentation always occurs on the horizontal plane. CCBS points out that an array which is adjusted so that it is sufficiently different from the predicted pattern that augmentation is required may very well have its maximum difference from the predicted values at a vertical angle above the horizontal. Thus, CCBS proposes that "Q" in the augmented pattern be determined experimentally from skywave measurements including directional to non-directional ratio tests. In the absence of such determinations, CCBS proposes that nulls in arrays include a factor on the order of ten percent of the RMS or RSS. CCBS also wants to amend the rules to predict the propagation of skywave signals by what CCBS calls more accurate methods.

DISCUSSION

11. Our reasons for proposing the amendment setting the one-ohm-loss RMS as an upper bound and the minimum efficiency specified in § 73.189(b)(2) as a lower bound were fully discussed in our *Notice;* further elaboration is unnecessary. Since all parties are in favor of the one-ohm-loss RMS being the upper bound and since we agree such a change would be in the public interest, we will adopt that amendment.[2] However, AFCCE and CCBS propose that the lower bound which we proposed be multiplied by 1/1.05 to further decrease the lower bound. This would compensate for the addition of the extra five percent when the standard pattern is computed, and amounts to a request that the standard RMS meet minimum efficiency rather than the theoretical RMS. The rationale underlying the standard pattern is discussed in our *Report and Order in Docket 16222*, 27 FCC 2d 77, 20 RR 2d 1745 (1971). As indicated there, one of the main purposes of the adoption of the standard pattern was to achieve a uniform method of determining the tolerance needed in adjusting patterns. Previously, this tolerance was determined by the applicant who specified maximum expected operating values (MEOV) which often reflected allocation considerations instead of the necessary tolerance for adjustment. We fully hope that, when an array is built and proved in, the theoretical—not the standard—pattern will be achieved since that would occur in an ideal situation. Departures from the theoretical pattern should occur only in non-ideal circumstances; the standard pattern is designed to cover these departures. Therefore, it is appropriate that the theoretical RMS meet our minimum efficiency requirements rather than the standard RMS. Accordingly, we will retain our present minimum efficiency requirements.[3]

12. The several minor changes discussed in paragraph 16 of the *Notice* will be adopted with one exception. AFCCE and CCBS have valid points in suggesting that rectangular plots of patterns which are labeled in ten degree increments would be unduly cluttered. Therefore, we will adopt the recommended twenty degree increments. Similarly, we will incorporate in the rules our policy of permitting logarithmic scales on rectangular plots. As for the substitution of "J" for "Q" in the equation in § 73.152, we agree with CCBS that "J" is an adequate substitute. Our

[1] In Docket 20642 we are looking toward the amendment of the rules which govern the use of the 25 clear channels listed in Section 73.25(a) of our rules. See *Notice of Inquiry and Notice of Proposed Rule Making in Docket 20642*, FCC 75-1331, released December 12, 1975.

[2] Attached hereto is Appendix B which describes the method of calculating the multiplying constant for a theoretical pattern with an assumed loss resistance of one ohm per tower.

[3] We also note that any departure from our minimum efficiency requirements would run afoul of our agreements with neighboring countries.

main purpose in suggesting a substitute was to eliminate the possibility of confusion regarding the standard and augmented pattern equations. It does not matter what variable names are used as long as it is sufficiently clear what they represent.

13. We have conducted studies using the various proposals for $g(\theta)$. We have taken sample vertical sections from patterns where $f(\theta)$ approaches zero at the same vertical elevation angle where the theoretical radiation approaches zero, and have calculated the result which would be obtained using each of the sundry proposals for $g(\theta)$. Use of $f(\theta)$ for a one-half wavelength tower, whether alone as we proposed or in conjunction with other values as proposed by Hatfield and Dawson and SMK, leads to unrealistically high values of field strength in areas of the pattern which are not near nulls if the tower height is appreciably greater than one-half wavelength. In addition, with the Hatfield and Dawson or SMK approach, the null occurs at a different vertical angle than the null in the theoretical pattern. Accordingly, we reject proposals for $g(\theta)$ that involve $f(\theta)$ for one-half wavelength towers, except, of course, when the pertinent tower is actually a one-half wavelength tower. That leaves us with the AFCCE proposal to compute $g(\theta)$ by adding 0.15 in quadrature with $f(\theta)$ for the shortest tower (if it is over one-half wavelength) and normalizing so that $g(\theta)$ is equal to one when θ is zero. As we did with the other proposals, we have plotted the results that would obtain with 0.15 in quadrature. We find that 0.15 in quadrature does not provide sufficient "null fill". However, since we believe that adding a value in quadrature to compute $g(\theta)$ is the most appropriate method, we studied other values ranging from 0.15 to 0.4. Our conclusion is that 0.25 in quadrature provides a reasonable "null fill" and it is this method of computation of $g(\theta)$ which we adopt. (Of course, it will be normalized so that $g(\theta)$ is equal to one when θ is zero.)

14. With regard to SMK's request that the note to § 73.152(a)(2) be amended to specifically state that overlapping spans of augmentation are permitted, we note that SMK has not proposed a method of calculating the augmentation in the area of overlap. Moreover, our experience with modified standard patterns has indicated that it is unnecessary to propose spans which overlap. Accordingly, we will not adopt the requested provision; instead, we will modify the note to clearly prohibit such overlap. However, since our experience with modified standard patterns is somewhat limited due to the relatively few stations which have availed themselves of the rule, we stand ready to institute an inquiry into this area in the future should this prohibition become a problem.

15. The argument by CCBS that several issues must be resolved in this proceeding so that meaningful studies relating to Docket 20642 can be made is not persuasive. The addition of a second "Q" to take account of departures from idealized conditions is, we believe, unnecessary. The first "Q" is designed to do just that; in addition, there is a five percent tolerance added into the standard pattern calculations to cover such eventualities. It is also unnecessary to have a "Q" which is independent of vertical angle. Similarly, we will not adopt the proposal to determine "J" in the equation in § 73.152 on an experimental basis using directional to nondirectional ratio tests. While it may be true that the vertical radiation of a pattern sufficiently distorted to require augmentation may not have a "J" which is proportional to $g(\theta)$, we have consistently held that there is no effective method of determining the actual vertical radiation characteristics of an array other than inference with the horizontal pattern. *Capital Cities Broadcasting Corp.*, 20 FCC 2d 768 (1969); 49 FCC 2d 626 (1974), *supplemented in* 51 FCC 2d 649 (1975).[4] We think that the state of the art has not changed sufficiently since those decisions that effective measurements are now possible. Accordingly, we continue our policy that the vertical radiation pattern must be inferred from the horizontal pattern, and we continue to believe that the method described in § 73.152 is an appropriate method of inference. As for the use of directional to non-directional ratio tests based on actual skywave measurements, we note that our rules make no provision for the use of such measurements. Consideration of a possible amendment to permit such measurements is well beyond the scope of this proceeding. Similarly, we reject the proposal by Hatfield and Dawson that the $f(\theta)$ or $g(\theta)$ be determined from measurements. It must be remembered that one of the aims of the adoption of the standard pattern was to eliminate the need for referring to measurements other than to establish compliance with the standard pattern. Once it is proven that the actual pattern is within the bounds of the standard pattern, the standard pattern radiation values are utilized in all future studies. We do not wish to incorporate the measured data into our determinations unless absolutely necessary. In that case, we have provided two methods of augmentation in § 73.152 of our rules. We think that is sufficient.

16. The proposal by CCBS that we amend our rules to provide for a more accurate determintion of skywave propagation is outside the scope of this proceeding. We limited our inquiry here to determinations of radiation from directional antennas; it does not extend to consideration of the propagated signal. Accordingly, further discussion of this matter is unnecessary.

17. There are several other minor amendments to the rules which we will make to remove ambiguities. When we adopted the standard pattern, we noted that minor changes would be accomplished pursuant to existing procedures, *Report and Order in Docket 16222, supra*, at para. 44, except when the minor change modifies a standard pattern, *id.* at note 10. Our experience has indicated that many have forgotten our statement; accordingly, we will include that policy in the rule.

18. Section 73.152 provides for augmentation of the standard pattern only after the array is constructed and it is shown that measured fields exceed the standard pattern. However, in paragraph 15 of our earlier *Report and Order*, we indicated a willingness to accept augmentation in certain cases prior to construction. Our more than five years of experience with this policy has shown a need for a more definitive statement of when pre-construction augmentation is permissible. We see augmentation being used only after a good faith attempt to adjust an array within standard pattern limits has failed. Augmentation should not be used as a substitute for proper adjustment of the array. The main situation where augmentation prior to issuance of the initial construction permit would be appropriate is when it is fairly clear that augmentation would be necessary. This might occur, for instance, with a daytime-only station proposing to add nighttime operation with the same parameters, and the daytime proof-of-performance showed that augmentation would be necessary.

19. Once construction is completed, augmentation may be appropriate. § 73.152 provides two methods of augmentation. The first possible method is to increase the size of the entire pattern if the measured fields systematically exceed the original standard pattern, and if objectionable interference would not occur. The rules are unclear on the method of enlarging the original pattern. We are therefore amending the rules to specify that the method of enlargement shall be by use of a larger multiplying constant in computing the theoretical pattern on which the standard pattern is based.

20. One of our intentions in adopting the standard pattern was to facilitate computerized interference studies, particularly for nighttime allocations. However, we have failed to specify that our past policy of determining interference levels from the radiation on the plotted patterns has changed. Accordingly, we are amending § 73.150 to indicate that, in the event of a discrepancy between the calculated and plotted values of a standard pattern, the calculated value will prevail. There is an exception: Plotted values will prevail when protection of foreign stations is involved. This change does not eliminate the need for filing actual plots of patterns, nor will it lessen the requirements of accuracy in plotting the patterns.

21. We are aware that most engineering consultants depend on computer calculations of directional antenna pat-

[4] The latter decision was recently affirmed by the United States Court of Appeals for the District of Columbia Circuit. *WBEN, Inc. v. Federal Communications Commission*, No. 74-1601 (filed May 18, 1976).

terns. We are in favor of this development. However, we are also aware that some consultants are using computers to develop the parameters for an array based on certain constraints concerning the number of towers, land area, protection requirements, and so forth. While we find nothing wrong with this method *per se*, we note that the computer's tendency to work with eight or nine significant figures leads some consultants to specify field ratios or phasing with unrealizable precision. While we do not think that a rule is necessary at this stage, we note that field ratios and phasing for the various elements in a directional array should not be specified with more precision than can be indicated on the proposed antenna monitor and/or base current meters.

22. There remains the question whether the amendments which we adopt herein should apply to pending applications. Some of the amendments, such as the changes dealing with the one-ohm-loss requirement, are not involved in this question since any application which complies with the present rule will also comply with the proposed rule. However, other amendments, such as adoption of $g(\theta)$ for towers greater than one-half wavelength, set restrictions that could adversely affect pending applications. With regard to the adoption of $g(\theta)$, we stated in our *Notice, supra*, at para. 14, that the situation which would arise when "*Q*" is zero and when the theoretical pattern is also zero, leading to a predicted radiation of zero, is "a condition which, in practice, is impossible to attain or maintain." Accordingly, we will apply the amended rules to all pending, as well as future, applications so that unrealistic situations will be avoided.

23. The text of the rule amendments which we are adopting is set forth in Appendix A.

24. *Accordingly, it is ordered*, That effective July 15, 1976, Part 73 of the rules and regulations is amended as set forth below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

25. *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: June 1, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 73.150 paragraphs (a), (b)(1)(i) and (b)(2) are amended to read as follows:

§ 73.150 Directional antenna systems.

(a) For each station employing a directional antenna, all determinations of service provided and interference caused shall be based on the inverse fields of the standard radiation pattern for that station. (As applied to nighttime operation the term "standard radiation pattern" shall include the radiation pattern in the horizontal plane, and radiation patterns at angles above this plane, as required by paragraph (b)(1) of this section.) In the event of a discrepancy between the calculated and plotted values of a standard pattern, the calculated values will prevail with respect to protection of domestic stations while the plotted (notified) values will prevail with respect to protection of foreign stations.

NOTE.—Applications for new stations or for major changes in existing stations *must* use a standard pattern. Stations proposing minor changes may, if they wish, utilize the formerly acceptable theoretical pattern with maximum expected operating values (MEOV) unless the minor change would modify an existing standard pattern.

(b)(1)(i) The standard radiation pattern shall be based on the theoretical radiation pattern. The theoretical radiation pattern shall be calculated in accordance wth the following mathematical expression:

$$E(\phi, \theta)_{th} = \left| k \sum_{i=1}^{n} F_i f_i(\theta) \angle S_i \cos\theta \cos(\phi_i - \phi) + \psi_i \right| \quad (1)$$

where:

$E(\phi, \theta)_{th}$ Represents the theoretical inverse distance fields at one mile for the given azimuth and elevation.

k Represents the multiplying constant which determines the basic pattern size. It shall be chosen so that the effective field (RMS) of the theoretical pattern in the horizontal plane shall be no greater than the value computed on the assumption that nominal station power (see § 73.14(c)) is delivered to the directional array, and that a lumped loss resistance of one ohm exists at the current loop of each element of the array, or at the base of each element of electrical height lower than 0.25 wavelength, and no less than the value required by § 73.189(b)(2) of this part for a station of the class and nominal power for which the pattern is designed.

n Represents the number of elements (towers) in the directional array.

i Represents the i^{th} element in the array.

F_i Represents the field ratio of the i^{th} element in the array.

θ Represents the vertical elevation angle measured from the horizontal plane.

$f_i(\theta)$ Represents the vertical plane distribution factor of the i^{th} antenna.

For a typical vertical antenna with a sinusoidal current distribution:

$$f(\theta) = \frac{\cos(G \sin\theta) - \cos G}{(1 - \cos G)\cos\theta} \quad (2)$$

where G is the electrical height of the tower.

See also Section 73.190, Figure 5.

S_i Represents the electrical spacing of the i^{th} tower from the reference point.

ϕ_i Represents the orientation (with respect to true north) of the i^{th} tower.

ϕ Represents the azimuth (with respect to true north).

ψ_i Represents the electrical phase angle of the current in the i^{th} tower.

The standard radiation pattern shall be constructed in accordance with the following mathematical expression:

$$E(\phi, \theta)_{std} = 1.05 \sqrt{|E(\phi, \theta)_{th}|^2 + Q^2} \quad (3)$$

where:

$E(\phi, \theta)_{std}$ Represents the inverse fields at one mile which are deemed to be produced by the directional antenna in the horizontal and vertical planes.

$E(\phi, \theta)_{th}$ Represents the theoretical inverse distance fields at one mile as computed in accordance with Eq. 1, above.

Q is the greater of the following quantities:

$$0.025\, g(\theta) E_{rss}$$

or

$$6.0\, g(\theta) \sqrt{P_{kw}}$$

where:

$g(\theta)$ Is the vertical plane distribution factor, $f(\theta)$, for the shortest element in the array (see Eq. 2, above; also see Section 73.190, Figure 5). If the shortest element has an electrical height in excess of 0.5 wavelength, $g(\theta)$ shall be computed as follows:

$$g(\theta) = \frac{\sqrt{|f(\theta)|^2 + 0.0625}}{1.030776} \quad (4)$$

E_{rss} Is the root sum square of the amplitudes of the inverse fields of the elements of the array in the horizontal plane, as used in the expression for $E(\phi, \theta)_{th}$ (see Eq. 1, above), and is computed as follows:

$$E_{rss} = k \sqrt{\sum_{i=1}^{n} F_i^2} \quad (5)$$

P_{kw} Is the nominal station power, expressed in kilowatts; see Section 73.14(c). If the nominal power is less than one kilowatt, $P_{kw} = 1$.

* * * * *

(2) All patterns shall be computed for integral multiples of five degrees, beginning with zero degrees representing true north, and, shall be plotted to the largest scale possible on unglazed letter-size paper (main engraving approximately 7'' x 10'') using only scale divisions and subdivisions of 1, 2, 2.5, or 5 times 10^{nth}. The horizontal plane pattern and other azimuthal patterns shall be plotted on polar coordinate paper, with the zero degree point corresponding to true north. Patterns for elevation angles above the horizontal plane may be plotted in polar or rectangular coordinates, with the pattern for each angle of elevation on a separate page. Rectangular plots shall begin and end at true north, with all azimuths labelled in increments of not less than 20 degrees. If a rectangular plot is used, the ordinate showing the scale for radiation may be logarithmic. Minor lobe and null detail occurring between successive patterns for specific angles of elevation need not be submitted. Values of field strength on any pattern less than ten percent of the maximum field strength plotted on that pattern shall be shown on an enlarged scale. Rectangular plots with a logarithmic ordinate need not utilize an expanded scale unless necessary to show clearly the minor lobe and null detail. The direction and distance toward each existing station with which interference may be involved shall be indicated on the horizontal plane pattern, and, as appropriate, on patterns for other angles of elevation, with all directions referred to true north.

* * * * *

2. Section 73.152(a)(2) is amended to read as follows:

§ 73.152 Modification of directional antenna data.

* * * * *

(a)(2) Where any excessive measured field does not result in objectionable interference to another station a modified standard radiation pattern shall be submitted, encompassing all measured fields, and shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation.

NOTE.—Where measured fields exceed the values shown on the standard radiation pattern, but objectionable interference does not result, and, accordingly, a modified standard radiation pattern is submitted, the modified pattern may be larger than the original pattern (*i.e.*, have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern. The larger pattern shall be computed by using a larger multiplying constant, *k*, in the theoretical pattern equation (Ep. 1) in § 73.150(b)(1)(i). Alternatively, where the measured field exceeds the pattern in discrete directions, but objectionable interference does not result, the pattern may be expanded over sectors including these directions. A combination of both types of expansion may sometimes be desirable. Where sector expansion, or "augmentation", is desired, it shall be achieved by application of the following equation:

$$E(\phi,\theta)_{aug} = \sqrt{|E(\phi,\theta)_{std}|^2+\left\{Jg(\theta)\cos\left(180\frac{D_A}{S}\right)\right\}^2}$$

where:

$E(\phi,\theta)_{std}$ is the standard pattern field at some particular azimuth and elevation angle, bifore augmentation, computed pursuant to Section 73.150(b)(1)(i), Eq. 3.

$E(\phi,\theta)_{aug}$ is the field in the direction specified above, after augmentation.

$$J=\sqrt{|E(\phi,\theta)_{aug}|^2-|E(\phi,\theta)_{std}|^2}$$

in which $E(\phi,\theta)_{aug}$ and $E(\phi,\theta)_{std}$ are the fields in the horizontal plane at the main azimuth of augmentation (i.e., θ= zero degrees; ϕ= main azimuth of augmentation).

$g(\theta)$ is defined in § 73.150(b)(1)(i).

S is the angular range, or "span", over which augmentation is applied. The span is centered on the main azimuth of augmentation. At the limits of the span, the augmented pattern merges into the unaugmented pattern. Spans shall not overlap one another.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed and the main azimuth of augmentation. (D_A cannot exceed 1/2 S.)

* * * * *

APPENDIX

METHOD OF CALCULATION OF MULTIPLYING CONSTANTS USED IN COMPUTER PROGRAMS FOR STANDARD BROADCAST DIRECTIONAL ANTENNA CALCULATIONS

The various steps in the calculation of the multiplying constant are:

(a) Compute the no-loss multiplying constant; that is, the multiplying constant assuming that the nominal power is radiated.

(b) Compute the no-loss loop currents (base currents if the tower is less than 90 electrical degrees).

(c) Compute the total power loss using the no-loss currents.

(d) Adjust the multiplying constant to take account of the power loss; that is, adjust so that the nominal power is the input power to the array rather than the radiated power.

NOTE.—In the following description, the angle θ is the vertical elevation angle above the horizontal plane. Also, the term *"rms"* means the root-mean-square field intensity based on a multiplying constant of one.

The no-loss multiplying constant is computed by the power flow integration method:

$$K=\frac{(C1)\ (\sqrt{P_{nom}})}{rms_{hem}}$$

where:

K = the no-loss multiplying constant;

$C1$ = 152.15158 mV/m; this is the horizontal radiation from a standard hemispherical radiator in millivolts per meter at one mile; this was derived in Constants for Directional Antenna Computer Programs, 43 FCC 2d 544, 28 R R 2d 959 (1973);

P_{nom} = the nominal power in kilowatts;

rms_{hem} = the root-mean-square effective field intensity over the hemisphere, which may be obtained by integrating the rms at each vertical elevation angle over the hemisphere. The Commission's computer performs the integration using the trapezoidal method of approximation:

$$rms_{hem}\simeq\sqrt{\frac{\pi\Delta}{180}\left[\frac{rms_0^2}{2}+\sum_{m=1}^{l} rms_{m\Delta}^2\cos m\Delta\right]}$$

where:

Δ = the interval, in degrees, between the equally-spaced sampling points at the different vertical elevation angles θ;

m = integers from 1 to l, which give the elevation angle θ in degrees when multiplied by Δ;

l = one less than the number of intervals; it is equal to $90/\Delta-1$;

rms_θ = the root-mean-square field intensity at the specified elevation angle θ:

$$rms_\theta=\sqrt{\sum_{i=1}^{n}\sum_{j=1}^{n} F_iF_jf_i(\theta)f_j(\theta)\cos\Psi_{ij}J_o(S_{ij}\cos\theta)}$$

where:

i = i^{th} tower;

j = j^{th} tower;

n = number of towers in the array;

F_i = field ratio of the i^{th} tower;

$f_i(\theta)$ = vertical radiation characteristic of the i^{th} tower;

F_j = field ratio of the j^{th} tower;

$f_j(\theta)$ = vertical radiation characteristic of the j^{th} tower;

Ψ_{ij} = difference in the electrical phase angles of the currents in the i^{th} and j^{th} towers in the array;

S_{ij} = spacing in degrees between the i^{th} and j^{th} towers in the array;

$J_o(S_{ij}\cos\theta)$ = Bessel function of the first kind and zero order of the apparent spacing between the i^{th} and j^{th} towers.

Next, the no-loss loop current (the current at the current maxima) for a typical tower is computed:

$$I_i=\frac{KF_i}{(C2)\ (1-\cos G_i)}$$

where

I_i = the loop current in amperes in the i^{th} tower;

K = the no-loss multiplying constant computed above;

F_i = the field ratio for the i^{th} tower;

$C2$ = 37.256479; this was derived in Constants for Directional Antenna Computer Programs, supra;

G_i = the height, in electrical degrees, of the i^{th} tower.

NOTE.—If non-typical towers are used, different loop current equations may be required.

If the tower is less than 90 electrical degrees in height, the base current is computed by multiplying the sine of the tower height by the loop current.

Using the no-loss currents, the total power loss would be:

$$P_{loss}=\frac{R}{1000}\sum_{i=1}^{n} I_i^2$$

where:

P_{loss} = the total power loss in kilowatts;

R = the assumed resistance in ohms; for standard pattern calculations, this would be at least one ohm;

i = the i^{th} tower;

n = the number of towers in the array;

I_i = the loop current (or base current if the tower is less than 90 electrical degrees in height) for the i^{th} tower.

Finally, the multiplying constant must be adjusted to change the assumption from nominal power being radiated to nominal power being the input power to the array prior to taking account of the assumed loss resistance:

$$K_\Omega=K\sqrt{\frac{P_{nom}}{P_{nom}+P_{loss}}}$$

where:

K_Ω = the multiplying constant after adjustment for the assumed loss resistance;

K = the no-loss multiplying constant computed above;

P_{nom} = the nominal power in kilowatts;

P_{loss} = the total power loss in kilowatts.

The multiplying constant $K\Omega$ is then used to compute the theoretical pattern used in generating the standard pattern.

[FR Doc.76-17167 Filed 6-14-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Purchase of Used Central Office Equipment by an REA Telephone Borrower From Another REA Telephone Borrower

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93–32, REA proposes to issue Supplement No. 3 to REA Bulletin 344–1 (Telephone), Methods of Purchasing Materials and Equipment for Use on Systems of Telephone Borrowers. The proposed supplement establishes the procedures whereby an REA Telephone Borrower may purchase used central office equipment from another REA Telephone Borrower. On issuance of Supplement No. 3 to REA Bulletin 344–1, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the proposed supplement may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 15, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the proposed supplement is as follows:

Appendix A to Part 1701 is amended by the addition of a new Supplement No. 3 which reads as follows:

SUPPLEMENT No. 3 To REA BULLETIN 344–1

Subject: Purchase of Used Central Office Equipment.

To: REA Telephone Borrowers and Consulting Engineers.

Purpose: The purpose is to establish a procedure whereby REA will consider for approval the purchase of used central office equipment by an REA borrower from another REA borrower.

General: Paragraph II A of Bulletin 344–1 makes provision for purchasing used equipment in specific cases, generally for additions to existing central offices. REA will consider approving the purchase of used central office equipment by an REA borrower from another REA borrower and the use of loan funds for the purchase under these conditions:

1. The equipment being purchased was originally purchased as REA acceptable material.

2. The equipment being purchased has an expected life equal to that of the equipment to which it is being added and is compatible with that equipment.

3. The purchase price of the equipment approximates the original cost, less depreciation (see Exhibit I). REA will advance funds only for the approximate original cost of the equipment itself less the accumulated depreciation. No funds will be allowed for the seller's installation costs, i.e., labor, overhead, etc.

4. Funds are available in the purchasing borrower's loan budget for the purpose involved.

Procedure: 1. The purchasing borrower will provide the seller with a purchase order and an indication of whether a release of liens is desired.

2. The selling borrower will follow the procedure outlined in Bulletin 415–1 for the sale of property furnishing REA with a completed REA Form 793.

3. The purchasing borrower will provide REA with the following:

a. A copy of the purchase order.

b. List of equipment to be purchased.

c. Age of the equipment.

d. Certification from the seller that the selling price was determined in accordance with the procedure outlined in Exhibit I.

e. A description of the equipment to which the purchased equipment is to be added, together with a switching diagram and the age of the existing office.

4. REA will notify the purchasing borrower and the selling borrower as to the action taken.

EXHIBIT I

[To arrive at the approximate cost that will be financed by REA, the following format shall be used]

	Cost	Percent
Original cost of equipment being sold per A/C 221	$100,000	83.583
Original cost of installation per A/C 221	20,000	16.417
Total actual book value ($100,000+$120,000=83.583 pct, $20,000+$120,000=16.417 pct)	120,000	100.000
Depreciation record, applicable to equipment being sold, per A/C 171:122, C.O.E.	40,000	

	Percent	Cost
Depreciation recorded on cost of equipment	83.583	$33,433.20
Depreciation recorded on cost of installation	16.417	6,566.80
Total	100.000	40,000.00
Original cost of equipment		100,000.00
Less associated depreciation		33,433.00
Net amount REA will finance		66,567.00

The cost of the equipment, installation and depreciation reserve should be arrived at by preparing an analysis of accounts 221 and 171:221. This is the only acceptable basis for arriving at the allowable amount that can be financed with REA funds. No estimates will be accepted.

Dated: June 8, 1976.

JOHN H. ARNESEN,
Acting Assistant Administrator-Telephone.

[FR Doc.76–17282 Filed 6–14–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[24 CFR Part 1917]

[Docket No. FI–1165]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Edwardsville, Luzerne County, Pa.

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 Edwardsville, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review in the foyer of the Borough Building, Main Street, Edwardsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Benjamin Kaczynowski, Main Street, Edwardsville, Pennsylvania 18704. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	547		1,840
	Confluence with Toby Creek	546		300

(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 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17232 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1167]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for Borough of Forty Fort, Luzerne County, Pa.

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 Forty Fort, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in City Hall, 1271 Wyoming Avenue, Forty Fort, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify J. J. McCulloch, Mayor of Forty Fort, 1271 Wyoming Avenue, Forty Fort, Pennsylvania 18704. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Downstream corporate limits	551	(1)	300
	End of levee, vicinity of Fort St	552	(1)	30
	Upstream corporate limits	554	(1)	3,400
Abrahams Creek of Forty Fort.	Forty Fort levee	540	2,400	140
	50 ft downstream of Wyoming Ave	545	600	20
	Pearl St	546	380	120

[1] Outside 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 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17224 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1168]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Fox Chapel, Allegheny County, Pa.

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 Fox Chapel, Allegheny County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Chambers, Borough Building, 401 Fox Chapel Road, Pittsburgh, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor T. Mitchell, Jr., 401 Fox Chapel Road, Pittsburgh, Pennsylvania 15238. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Squaw Run	South corporate limits		90	320
	Fox Chapel Rd		80	60
	Field Club Rd		60	320
	Squaw Run Rd		50	40
	do		160	360
	Squaw Run Rd East		120	60
	Old Mill Rd		80	70
	Campbells Lake Dam		200	140
Squaw Run, tributary No. 1.	East of Fox Chapel Rd	800	[1] 120	
Squaw Run, tributary No. 2	North of Hunt Rd, below confluence with tributary No. 3.	850	[1] 140	
	North of Hunt Rd above confluence with tributary No. 3.	870	[1] 100	
Squaw Run, tributary No. 3.	Hunt Rd	890	[1] 80	
Squaw Run, tributary No. 4.	Below Fairview Rd	1,020	[1] 60	
	Fairview Rd	1,090	[1] 120	
Glade Run	Squaw Run Rd East		160	240
	Fox Chapel Rd		120	80
	East corporate limits		160	120
	West corporate limits		120	160
	East corporate limits		100	160

[1] Total width.

(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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17219 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1169]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Highspire, Dauphin County, Pa.

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 Highspire, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, Borough Municipal Building, 640 Eshelman Street, Highspire, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Roger Williamson, 640 Eshelman Street, Highspire, Pennsylvania 17034. 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 on September 13, 1976.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	White House Lane (east corporate limits, extended).	303	[1] 800	[2]
	Burd Run confluence	304	260	[2]
	Railroad St. (extended)	304	1,740	[2]
	Laurel Run confluence	305	780	[2]
	West corporate limits	306	560	[2]

[1] 100-yr flood boundary width measured south from north corporate limits.
[2] Outside 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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17221 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1170]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Hummelstown, Dauphin County, Pa.

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 Hummelstown, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the lobby of the Borough Hall, 136 South Hanover Street, Hummelstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marion Alexander, 136 South Hanover Street, Hummelstown, Pennsylvania 17036. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Swatara Creek	Downstream corporate limit	327	350	[1]
	Reading R.R. bridge	328	60	[1]
	North Duke St. and West Duke St. bridge.	333	35	[1]
	Wall Street (extended)	336	20	[1]
	Upstream corporate limit	339	25	[1]

[1] 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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17222 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1173]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Larksville, Luzerne County, Pa.

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 Larksville, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's Office, New Borough Building, State Street, Larksville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Dubinski, New Borough Building, State Street, Larksville, Pennsylvania 18704. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	At southwest corporate limits	545	(1)	960
	Delaware-Hudson R.R. Bridge	546	(1)	420
	Eastern corporate limits	546	(1)	1,310

[1] 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 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17225 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1174]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Luzerne, Luzerne County, Pa.

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 Luzerne, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

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

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George Shonk, 141 Tener Street, Luzerne, Pennsylvania 18709. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Toby Creek	North corporate limit	648	10	60
	Conrail Bridge	625	10	40
	Main Street Bridge	598	(1)	140
	Routes 115, 309 bridge	577	115	100
	Grove Street Bridge	571	20	(2)

[1] AO zone.
[2] Outside 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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17226 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1176]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Marysville, Perry County, Pa.

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 elevates for the Borough of Marysville, Perry County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the lobby of the Borough Hall, Overcrest Road, Marysville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert J. Sadler, P.O. Box A, Overcrest Road, Marysville, Pennsylvania 17053. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits (downstream)	326	(1)	220
	Rockville Bridge	327	(1)	100
	Weaver Rd. (extended)	327	(1)	340
	Perry St. (extended)	328	(1)	630
	Weaver St. (extended)	329	(1)	170
	Corporate limits (upstream)	332	(1)	90
Mill Creek	do	(2)	420	30
	Kings Highway State Rd.	(2)	190	100
	State Rd. (Routes 11 to 15)	328	250	370

[1] Corporate limits.
[2] Not defined.

(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 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17231 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1177]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Mercer, Mercer County, Pa.

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 Mercer, Mercer County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Chambers, Borough Building, 145 North Pitt Street, Mercer, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor David L. Davis, 145 North Pitt Street, Mercer, Pennsylvania 16137. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Brandy Springs Run	Shenango St	1,146	125	100
	West corporate limits	1,154	150	75
Unnamed Tributary	Shenango St	1,168	110	25
Neshannock Creek	South corporate limits	1,094	----	200
	Wilson Ave	1,096	1,200	200
Mill Creek	do	1,098	1,300	275
	East corporate limits	1,098	80	1,950
Otter Creek	North corporate limits	1,100	200	350
Munnel Run	McKinley Ave	1,100	250	450
	Home St	1,110	130	160
	U.S. Route 19	1,145	30	30

(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 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17229 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1178]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Muncy, Lycoming County, Pa.

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 Muncy, Lycoming County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's Office, New Borough Hall, North Washington Street, Muncy, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Donald B. Wilt, Mayor, 23 North Main Street, Muncy, Pennsylvania 17756. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West branch, Susquehanna River.	Pepper St. (extended)	503	1,880	
	West Penn St. (extended)	504	1,670	
	High St. (extended)	504	3,320	
Glade Run	Carpenter St.	505	550	1,400
	East Penn St.	506	450	90
	East corporate limits	507	160	50

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

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17228 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1179]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Pringle, Luzerne County, Pa.

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 Pringle, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's office, Borough Building, Evans Street, Pringle.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph Kopack, Borough Building, Evans Street, Pringle, Pennsylvania 18704. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Toby Creek	Along northern corporate limits	571	(1)	175
			Area flooded	
Do	East of Grove St. and north of Division St.	564	Entire area within the levee.	

[1] 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 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17227 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1171]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Johnstown, Cambria County, Pa.

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 Johnstown, Cambria County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the City Hall Lobby, Main and Market Streets, Johnstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Herbert Pfuhl, Jr., 101 City Hall, Main and Market Streets, Johnstown, Pennsylvania 15901. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Stony Creek	South corporate limits	1,196		40
	Bridge St	1,192		780
Sams Run	Woodland St		170	120
	Coleman Ave		140	320
Cheney Run	Saylor St		260	400
	Obsorne St		140	300
Solomon Run	East corporate limits		250	40
	Oak St		280	750
Elk Run	Butler Ave		980	200
	Penn Central RR		440	300
St. Clair Run	Fairfield Ave		120	150
Strayer Run	Glenn St		140	420
	Penn Central RR		160	500

NOTE.—The 100-yr floods of Conemaugh River, Little Conemaugh River, and Stony Creek below Bridge St. confined to the channels.

(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 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17220 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1166]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Fairview, York County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, R.D. 1, New Cumberland.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immediately notify Mr. Edward R. McCullum, Secretary of the Board of Supervisors, R. D. 1, New Cumberland, Pennsylvania 17070. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	South corporate limits (extended)	301	(1)	80
	Route 76 Bridge (downstream side)	306	(1)	100
	Route 76 Bridge (upstream side)	306	(1)	120
Yellow Breeches Creek.	Penn Central R.R. Bridge	313	(1)	60
	Old York Rd. Bridge	313	(1)	200
	Springer Lane Bridge	315	(1)	90
	Route 83 Bridge	321	(1)	150
	Greenlane Dr. Bridge	326	(1)	145
	Spangler's Mill Rd. Bridge	334	(1)	30
	Limekiln Rd. Bridge	344	(1)	340
	Route 76 Bridge	351	(1)	160
	Sheepford Rd. Bridge	358	(1)	130
	Bridge of Lisburn Rd.	367	(1)	100
	Route 114 Bridge	371	(1)	590
	Lisburn Rd. Bridge	375	(1)	240

[1] Outside 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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17233 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1172]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Lower Swatara, Dauphin County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the office of the Secretary, Lower Swatara Township Building, 30 Olmsted Drive, Middletown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Charles E. Boyer, 30 Olmstead Drive, Middletown, Pennsylvania 17057. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Extreme northwest end of township near Lumber St. in Highspire.	304	90	
	White House Lane (extended)	303	20	
	End of airport at Middletown Corp. limit.	300	100	
Swatara Creek	Pennsylvania Turnpike	308		700
	Vine St. Bridge	309		10
	Route 283	311		960
	Fulling Mill Rd. (extended)	312		280
	Longview Dr. (extended)	314		100
	Reading R.R. Bridge	317		580
	Fiddlers Elbow Bridge	324		300

(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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17223 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1175]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Mahoning, Montour County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Room at the Township Building, 1101 Bloom Street, Danville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Henry W. Eyer, Chairman of the Board of Supervisors, 1101 Bloom Street, Danville, Pennsylvania 17821. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Downstream corporate limits	458		160
	Borough of Danville corporate limits (downstream).	459		960
	Borough of Danville corporate limits (upstream).	462		1,460
	Toby Run	462		700
	Upstream corporate limits	464		1,000
Mahoning Creek	Borough of Danville corporate limits	468	40	40
	Upstream corporate limits	477	0	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 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17230 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1150]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Dumont, N.J.

The Federal Insurance Administrator, in accordance with section 110 of the Food 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 Dumont, 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 Dumont, New Jersey 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, 50 Washington Avenue, Dumont, New Jersey 07628.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George Cerrato, 50 Washington Avenue, Dumont, New Jersey 07628. 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
Hirsehfeld Brook	Lafayette Ave	26	250	20
	West Madison Ave	36	50	50
Hirschfeld Brook Tributary.	Shadyside Ave	87	220	30
	Virginia Ave	98	570	60
	Cresskill Ave	107	860	220
	Lenox Ave	115	130	200

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

Issued: May 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17335 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1181]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Riverside, Northumberland County, Pa.

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 Riverside, Northumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Building, Borough of Riverside, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Lester Leech, R.D. 6, Danville, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	East corporate limits	461	60	(1)
	East Route 54 bridge	460	20	(1)
	West Route 54 bridge	460	20	(1)
	Mahoning Creek confluence (outside corporate limits).	459	140	(1)
	Kipps Run confluence	457	620	(1)
	West corporate limits	456	780	(1)

[1] Outside corporate limit.

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

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17329 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1184]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Steelton, Dauphin County, Pa.

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 Steelton, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's office, Municipal Building, 123 North Front Street, Steelton, Pennsylvania 17113.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. J. Richard Stouffer, 123 North Front Street, Steelton, Pennsylvania 17113. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976 whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Franklin St. (extended)	312	1,500	(1)
	Francis St.	312	1,560	(1)
	Trewick St.	311	1,720	(1)
	Mohn St. (extended)	309	1,580	(1)
	T St. (extended)	306	420	(1)

[1] 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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17332 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1144]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Valparaiso, Fla.

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 Valparaiso, 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 Valparaiso 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, Valparaiso, Florida 32580.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John B. Arnold, Jr. P.O. Box 296, Valparaiso, Florida 32580. 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
Boggy Bayou	Tennessee Ave	7	810	
	Mississippi Ave	7	50	
	Florida Ave	7	160	
Tom's Bayou	John Sims Parkway	6	180	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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17337 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1143]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Groton, New London County, Conn.

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 Groton, New London County, Connecticut.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Planning Office, Town Hall, 45 Fort Hill Road, Groton, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Clinton H. Strong, Town Manager, 45 Fort Hill Road, Groton, Connecticut 06340. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Eccleston Brook	200 ft south of London Rd	36	300	18
	1,000 ft south of London Rd	34	130	150
	290 ft south of confluence with Fishtown Brook.	21	200	160
	1,700 ft north of Connecticut Route 215	20	200	300
	Connecticut Route 215	19	180	160
	U.S. Route 1		20	70
Fishtown Brook	South Fishtown Rd	30	30	700
	North Fishtown Rd		250	80
	Farmstead Ave	27	120	60
	Fishtown Rd	22	190	190
Groton Reservoir			(1)	(1)
Pohegrut Reservoir			(1)	(1)
Paquonock Lake			(1)	(1)
Great Brook	North Route 184		80	250
Hempstead Brook	do		200	20
Beaverdam Brook	Route 12		250	950

			Width in feet from shoreline to 100-yr flood boundary
Mystic River	Interstate 95	11	200
	West Main St	11	680
	School St. (extended)	11	1,100
	Charles St. (extended)	11	1,000
Mumford Cove	Balsam Rd	11	150

(1) All of it.

(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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17336 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1180]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Reserve, Allegheny County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Reserve must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Office, 33 Lonsdale Street, Pittsburgh, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Gilbert G. Britenbaugh, 33 Lonsdale Street, Pittsburgh, Pennsylvania 15212. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976 whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Hoffman Run	Downstream corporate limits	803	50	10
	Johnson St. (extended)	838	20	30
	Otto St	862	30	60
	515 ft upstream from Otto St	880	30	30
Spring Garden Run	Downstream corporate limits	906	70	130
	Hazlett St	915	50	130
	Beech St	939	50	90
	Wilson Rd	954	50	140
	Faber St. (extended)	980	50	50
	Quail Hill Rd. (extended)	1,002	25	25
	Ramage Rd	1,100	30	50
	Maplewood Dr. (extended)	1,110	50	60

(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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17328 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1182]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Spring, Centre County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, R.D. 2, Bellefonte, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John H. Auman, Secretary of the Board of Supervisors, Box 110D, R.D. 2, Bellefonte, Pennsylvania 16823. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spring Creek	Northern corporate limit	720	300	0
	Northern corporate limit of the borough of Bellefonte.	729	180	10
	Western corporate limit of the borough of Bellefonte.	752	205	8
	Western corporate limit	758	10	10
Unnamed tributary	Interstate 80 overpass		70	470
	Jacksonville Rd		80	70
	Interstate 80 access road		60	40
Logan Branch	Southern corporate limit of the borough of Bellefonte.		20	60
	Route 425 (extended)		180	120
	Route 532 overpass		160	60
	Western corporate limit		280	120
Gap Run	do		2,540	300
	Route 144		2,280	140
	Norntown Rd		4,240	40
	Unnamed road near Sunset St		40	200
Phantom Lake	In the vicinity of Route 64 and L.R. 14026.		(1)	40

[1] Area flooded—all of area.

(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 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17330 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1183]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of West Chillisquaque, Northumberland County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Montandon Post Office, Main Street, Montandon, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William C. Burrey, Secretary of the Board of Supervisors, Box 57, Montandon, Pennsylvania 17850. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch, Susquehanna River.	North corporate limit	465	2,360	(1)
	L.R. 49053 (extended)	464	1,700	(1)
	Penn Central R.R. (Con Rail)	461	4,360	(1)
	South corporate limit	458	1,700	(1)
Chillisquaque Creek	Route 147	458	120	110
	900 ft upstream from Route 147	458	10	290
	T 573	466	(1)	70
	LR 49054	470	(1)	70

[1] 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 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17331 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1185]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of West Lebanon, Lebanon County, Pa.

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

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Community Room, Township Building, 22nd and Church Streets, Lebanon.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Kenneth Colvin, President of the Council, West Lebanon Township Building, 22nd and Church Streets, Lebanon, Pennsylvania 17042. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	16th St.	450	(1)	820
	400 ft downstream of 16th St.	449	(1)	400

[1] 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 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17333 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1186]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of West Wyoming, Luzerne County, Pa.

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 West Wyoming, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's office, Borough Building, 8th and Shoemaker Avenue, West Wyoming, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Mizin, 17 Florida Avenue, West Wyoming, Pennsylvania 18644. 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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Abrahams Creek	Lehigh Valley RR. Bridge	561	350	4,250
	Bridge St. (extended)	564	340	4,200
	Harding Ave. (extended)	583	140	560
	8th St.	599	290	----
	Shoemaker Ave.	606	380	150

(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 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17334 Filed 6–14–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

MARYLAND

Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this chapter. On July 5, 1973, a notice was published in the FEDERAL REGISTER of the approval of the Maryland plan and of the adoption of Subpart O of Part 1952 containing the decision (38 FR 17837). On April 21, 1976, the State of Maryland submitted a supplement to its plan involving a developmental change (see Subpart B of 29 CFR Part 1953).

2. *Description of the Supplement.* The supplement submitted by the State concerns the State's Compliance Operations Manual. The manual is in two Parts. Part I entitled "Administrative Procedures" contains instructions pertaining to such matters as preparing citations, grouping of violations, types of violations, preparing penalties, procedures for handling workplace safety and health complaints, accident investigations and follow-up inspections. Part II, which is entitled "Field Operations" concerns procedures for the conduct of inspections and covers such matters as advance notice, preparation of inspection, opening and closing conferences, inspections of construction sites, imminent danger procedures and health inspections. In addition, the manual contains procedures for consultation services which are rendered by the designated agency.

3. *Location of Supplement for Inspection and Copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 15220, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

4. *Public Participation.* Interested persons are hereby given until July 15, 1976, in which to submit written data, views and arguments concerning the proposed supplement. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subject and issue involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart O of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C. this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17426 Filed 6–14–76;8:45 am]

[29 CFR Part 1952]

NORTH CAROLINA

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina plan and adoption of Subpart I of Part 1952 containing the decision and describing the plan. By letter dated February 13, 1976, from T. Avery Nye, Jr., North Carolina Commissioner of Labor, to Donald E. MacKenzie, Regional Administrator, Occupational Safety and Health Administration, the State of North Carolina submitted supplements to its plan involving developmental changes (see Subpart B, 29 CFR Part 1953). Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether they should be approved. The supplements are described below.

2. *Description of the supplements.* (a) Advisory Council. The State has certified that the State Advisory Council for Occupational Safety and Health has been appointed by the Commissioner of Labor. The Council meets regularly to assist and advise the Commissioner on matters pertaining to occupational safety and health.

(b) Merit system. All personnel in the North Carolina Department of Labor are now covered by the State merit system which the U.S. Civil Service Commission (by letter dated January 22, 1976) has found to be in "substantial conformity with the 'Standards for a Merit System of Personnel Administration' ".

(c) Staff training. All North Carolina compliance personnel have attended basic training courses at the OSHA Institute in Chicago and subsequent refresher courses conducted by the State.

(d) Consultative Services. North Carolina Department of Labor has publicly disseminated information on the availability of consultation services.

(e) Management Information System. The State has fully implemented a manual Management Information System which provides the quarterly statistical reports required by the Assistant Secretary as well as internal management data. Conversion to an automated system is contemplated.

(f) Enforcement. The State has certified that enforcement of standards under the approved North Carolina State plan began on July 1, 1973.

(g) Salary scale. The State plan has been updated to show current salary scales.

(h) Serious violation. The State has clarified its plan to include the requirement that in order for a violation to be deemed serious, the employer must have known or with the exercise of reasonable diligence should have known of the violation.

(i) Administrative procedures. The State's amended Administrative Proce-

dures Act which establishes new requirements for the promulgation and filing of State rules, regulations, and standards has been added to the State plan.

(j) Regulations. In accordance with plan commitments the State has promulgated the following regulations:

(1) Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions (7B .0400).

(2) Rules of Procedure for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards (7B .0500)

(3) Procedures of the State Advisory Council on Occupational Safety and Health (7B .0700).

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and iits supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Ave., NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Public participation.* Interested persons are hereby given until July 15, 1976 in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart I of Part 1952 and initiate further proceedings, if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-17425 Filed 6-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 13, 81, and 83]

[Docket No. 20813; FCC 76-455]

RADIOTELEGRAPHY USE IN MARITIME SERVICES

Notice of Proposed Rule Making Relating to Frequencies, Operating Procedures, Technical Standards, Etc.

In the Matter of Amendment of Parts 2, 13, 81, and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given. It will be noted that in the instant proceeding we are treating those matters which concern radiotelegraphy with particular attention to A1 Morse calling and working and to narrow-band direct-printing (radioteleprinter). In addition, the proposed amendments to Part 2 of the rules, set forth below, include the changes in frequency allocations for radiotelephony. Other matters relating to the use of radiotelephony will be treated in a future action.

2. The problem of poor maritime communications has been one that has occupied this Commission's attention for some time. This problem exists in both maritime radiotelephony and radiotelegraphy.

3. In the maritime radiotelephony service, the congestion in the band 1605-4000 kHz was intolerable for a number of years. To solve this problem, the Commission instituted a two phase program: (1) that vessels within 20 miles of shore (except in Alaska) employ very high frequencies (VHF) in the maritime services band 156-162 MHz; that the channel spacing in that band be reduced by one-half and (2) that vessels beyond 20 miles from shore employ frequencies in the band 2000-2850 kHz; that frequencies in this band be converted from double sideband to single sideband mode of operation; and that the use of double sideband be discontinued effective January 1, 1977. The program to date has been a success and with the discontinuance of double sideband there will be a vast improvement in marine radiotelephony to the extent that we may say without qualification that our program to greatly improve marine radiotelephony has been successfully completed.

4. In the maritime radiotelegraphy services, the problem area appears to center around the service being rendered by public coast radiotelegraph stations and this has had a negative effect on the modernization of radiotelegraph ship stations. To delineate the problem areas, we initiated a Notice of Inquiry in Docket No. 19544 (1972) with the expectation that an in-depth review of the total complex of public coast radiotelegraph station operations and related matters would provide a more firm basis upon which the Commission could address possible overall remedies to apparent economic, operational, and technical problems associated with public coast radiotelegraph stations. To date we have not reached any final decision on this matter. However, the comments filed in this proceeding by users indicate that the service rendered by most of the public coast radiotelegraph stations is generally below an acceptable user level. The record is replete with reports of understaffing of operating positions; of operators expected to function efficiently while attempting to provide service on a mixture of radio and land line facilities; of partial or complete discontinuance of the listening watch on one or more of the ship station calling bands; and of poorly maintained transmitting and receiving equipment. A natural consequence of this is that operators aboard ship experience extended delays in contacting most coast stations.

5. It is our statutory purpose to promote the safety of life and property through the use of wire and radiocommunications and it is our duty to encourage the larger and more effective use of radio in the public interest. The nations of the world recognize an internationally adopted, uniform radiotelegraphy communications system of public correspondence in which the business of ships as well as the personal requirements of the crews and passengers are served. While participation by U.S. ships is voluntary,[1] no U.S. large passenger or cargo ship has put to sea without the ability to participate fully in radiotelegraphy public correspondence on high frequencies. While U.S. coast stations are operated by private industry, in contrast to government operation in most other countries, it is the United States as a government which is criticized in the international arena for the poor radiotelegraphy service provided to international shipping. In the area of marine radiotelegraphy this requires no less than our assuring an efficient system, adequately staffed with coast station operators providing service on sufficient frequencies to significantly reduce relays. As in maritime radiotelephony, we fully intend to take what actions are necessary to remove the problems that now affect marine public coast radiotelegraph stations.

6. The proposed action in this proceeding is a logical corollary to our public coast efforts. It will assure vessels of

[1] Participation by these categories of vessels is voluntary only in regard to the use of high frequencies (3-30 MHz). Such vessels are required by statute to fit for the use of medium frequencies (.3-3 MHz).

having a suitable frequency capability to access the coast stations and also provide an incentive for coast stations to increase the number of channels they guard on their own motion.

7. A World Maritime Administrative Radio Conference (WMARC) was convened by the International Telecommunication Union (ITU) in Geneva, Switzerland, April 22–June 8, 1974, which amended the international Radio Regulations applicable to the maritime mobile service. The changes in frequency allocations made by the WMARC are limited to those for the maritime mobile service and these are set forth in full detail below. The following summary of changes in the international Radio Regulations will, we believe, provide an over-all perspective of the amendments adopted at the 1974 WMARC.

A1 Morse radiotelegraphy, ships: the allocated spectrum was decreased from 896 to 588.8 kHz; the number of channels was increased from 684 to 924. Schedule to implement: 6–2–76 through 5–31–77.

Narrow-band direct-printing, ships: the allocated spectrum was increased from 87.5 to 170.6 kHz; the number of channels was increased from 12 to 338 channels. Schedule to implement: 6–1–77 through 6–30–77.

Narrow-band direct-printing, coast: no previous allocation; new allocation of 130.6 kHz, divided into 257 channels. Schedule to implement: 6–1–77 through 6–30–77.

Radiotelephony—duplex, ships: the allocated spectrum was increased from 469.6 to 545.6 kHz; the number of channels was increased from 137 to 176 channels. Schedule to implement: 1–1–78 at 0001 GMT.

Radiotelephony—duplex, coast: the allocated spectrum was increased from 469.6 to 545.6 kHz; the number of channels was increased from 137 to 176 channels. Schedule to implement: 1–1–78 at 0001 GMT.

Radiotelephony—simplex, ship and coast: the allocated spectrum was decreased from 54.9 to 50.3 kHz; the number of channels remained the same at 16 channels.

Digital selective calling: no previous allocation; new allocation of 12.2 kHz (9 channels) for ships and 5.4 kHz (9 channels) for coast stations. Schedule to implement: Start 6–1–77.

Oceanographic data transmission: no change from the 1967 WMARC.

8. The 1974 WMARC amended the international Radio Regulations in regard to A1 Morse radiotelegraphy as follows:

Completely revised the current calling procedure (initially adopted by the ITU International Radio Conference, Atlantic City, 1947).

Provided for the use of frequencies which are not harmonically related.

Urged that Administrations, in assigning the available (new) frequencies, distribute them uniformly to ship stations; and assure that the ship stations operate within the assigned channels.

9. The 1974 WMARC amended the international Radio Regulations to include frequencies, technical standards and operating procedures for the use by ship and coast stations of narrow-band direct-printing telegraphy and data transmission systems (radioteleprinter). Frequencies were also included in the amended Radio Regulations for the use by ship and coast stations of digital selective calling, but left to the ITU's International Radio Consultative Committee (CCIR) to finalize technical characteristics of the digital selective calling system.

10. In this Notice of Proposed Rule Making the Commission is proposing amendments to its rules to implement the extensive changes in operational procedures and frequencies adopted at the 1974 WMARC. The 1974 WMARC revisions to the ITU Radio Regulations, in order to obtain conference approval, include many permitted departures and exceptions. In contrast thereto, the proposed amendments to the rules, to the extent practicable, adhere to the main theme and intent of the revised Radio Regulations. To provide reasonable assurance that these new operational procedures will provide the intended improvement in communications to vessels at sea, it is necessary, in our opinion, that changes also be made to various technical provisions in these rules. We believe these technical changes are essential if United States vessels are to have a sufficient operational capability to cooperate in the production of and to take advantage of the improvement offered by the new procedures. These provisions are discussed in greater detail in the paragraphs which follow.

11. In this Notice we suggest that the harmonic relationship type shipboard transmitters be fitted with a frequency synthesis generator, replacing the presently used piezo electric crystals. WMARC Resolution MAR2–4, recognizing the benefits of frequency synthesizers, states that ships should, as soon as possible, utilize equipment which is capable of operating in accordance with the new channelling arrangement contained in Appendix 15D[2]; and that, after January 1, 1976, new installations of equipment shall be capable of operating in accordance with the new channelling arrangement contained in Appendix 15D. The harmonic relationship shipboard transmitters in current usage are not capable of operating in accordance with the new channelling arrangement of Appendix 15D, and they are not capable of operating on the calling frequencies of Appendix 15C.[3]

The addition of a frequency synthesizer to the currently used harmonic relationship shipboard transmitters will permit the United States to comply with the provisions of WMARC Resolution MAR 2–4, since operation on all of the frequences of Appendices 15D and 15C would then be possible. Further, use of such a unit permits the frequency tolerance to be tightened to meet all requirements and recommendations adopted by the 1974 WMARC and, most probably, any changes which may be adopted at the forthcoming 1979 ITU radio conference. In accordance with WMARC Resolution MAR 2–4, we are also proposing that harmonic relationship type shipboard transmitters not be installed aboard new ships, or as replacement equipment aboard existing ships, after January 1, 1976, (see paragraphs 25–28, below).

[2] Set forth below in § 83.318(c).
[3] Set forth below in § 83.317(a).

Calling Procedure

12. The current calling procedure for Al Morse radiotelegraphy employed by a ship station to establish communication with a coast station was first adopted at the ITU International Radio Conference (IRC), Atlantic City, 1947. This procedure has been in world-wide use without change up to the present time. As adopted in 1947, 9 frequencies spaced 1 kHz were provided in the band 4177–4187 kHz. In each of the other calling bands between 4000 and 18000 kHz, the calling frequencies are in harmonic relationship with those in the 4 MHz[4] calling band. The calling frequencies in the 22 MHz band are not harmonically related to those in the 4–18 MHz bands. As developed by the 1947 IRC and later implemented, ships were, through the licensing process, distributed over these 9 harmonic frequencies, and coast stations scanned the calling bands looking for calls from ship stations. Once communication is established the ship station shifts to a ship working frequency. While the limits of the calling bands were not changed, the number of harmonic frequencies in each of the calling bands were increased from 9 to 17 by the 1967 WMARC. It is most clear that the 1947 IRC procedure is not adequate to meet the needs of today's maritime services.

13. The new procedure adopted at the 1974 WMARC differs in substance from the procedure adopted at the 1947 IRC. The new procedure employs the same harmonic relationship scheme for the bands 4–18 MHz (see description in footnote [4]), providing 18 frequencies, two of which are common on a world-wide basis. The other 16 are divided into four groups of four each, which are designated for use by four groups of countries. In contrast to the 1947 procedure, the 1974 calling frequencies are "spot" or "fixed" frequencies, that is, the ship transmits on a specific frequency which is guarded by a receiver at designated coast stations. Once communication is established, the ship station shifts to a ship working frequency.

[4] Two MHz crystals are in more common usage than 4 MHz crystals. Thus, taking as an example the 4 MHz calling frequency 4178 kHz, the harmonics for the bands 4–18 are the 2nd, 3rd, 4th, 6th, and 8th harmonics of a crystal for the frequency 2089 kHz.

14. There are a number of technical and operational benefits of the new calling procedure. One accrues from the reduced bandwidth required to be covered by the coast station receivers, which results in an improved signal to noise ratio. Under this condition, ship station transmissions should be heard at substantially greater distances. The degree of improvement in signal to noise ratio depends on the bandwidth of the receiver involved. Generally, a coast station receiver provides a bandwidth of several kilohertz, in which case the improvement is likely to be in the range of 6 to 9 dB. There are operational benefits, since the coast station will not have to scan each of the calling bands; and the number of ships on any specific frequency is substantially reduced. The disadvantage in the new calling procedure is economic, that is, the coast stations must modify or replace receivers used to cover the calling channels; and the ship station transmitters, particularly the older types, must be modified to provide a greater number of frequencies and the frequency tolerance must be tightened.

TECHNICAL PERFORMANCE REQUIREMENTS

15. United States vessels plying international routes and operating radiotelegraphy on high frequencies in the maritime bands are expected to have a sufficient transmit and receive capability to communicate with concerned coast and ship stations along routes and at ports of interest. In order to do this, under the International Radio Regulations as amended at the 1974 WMARC, a number of changes are required in radiotelegraphy equipment, as discussed in the following paragraphs.

FREQUENCY TOLERANCE—SHIPS

16. As concerns frequency tolerance, the channel spacing was reduced for both calling and working frequencies. As between calling and working frequencies, the channel spacing for working frequencies poses a substantially more stringent requirement. A working frequency channel spacing of 500 Hz was adopted for the bands between 4 and 25 MHz, except that in the 6 MHz band the spacing is 750 Hz. Since the transmitter used on working frequencies is also used on calling frequencies, the stability requirement for working frequencies is more stringent and is, therefore, controlling. There are, however, two other considerations which must be taken into account, first, the ship station is usually fitted with one high frequency transmitter which operates on A1 Morse and, if a modulator is provided, on radiotelephony. The second consideration concerns those actions which may be taken at the World Administrative Radio Conference (WARC) to be convened in 1979, having technical impact upon the frequency tolerance of transmatters referred to above. In the table below we have paraphrased actions taken at ITU Radio Conferences held between 1932 and 1974, as concerns changes in frequency tolerances applicable to transmitters aboard ship stations employing A1 emission and operating in the band 4–29.7 MHz:

Frequency tolerance changed	ITU radio conference	Period and tolerance (parts per million) [6], Ship stations—4–29.7 MHz—emission A1
----------	1932	Before and after 1933: 1,000 p/m.
Yes-------	1938	Before 1944: 1,000 p/m; after 1944: 500 p/m.
Yes-------	1947	Before 1950: 500 p/m; after 1953: 200 p/m.
No--------	1959	Before and after 1966: 200 p/m.
Yes-------	1967	Before 1973: 200 p/m; after 1973: 50 p/m.
Yes-------	1974	Before 1977: 200 p/m; after 1977: 200 p/m, 50 p/m, 40 p/m, and 30 p/m.

17. Complaints have been received from vessel operators regarding the repeated need to modify transmitters to meet new and different frequency tolerances. In examining the above table it is apparent that with the exception of the 1959 Conference, each ITU Radio Conference since 1932 has changed the frequency tolerance applicable to ship transmitters using A1 emission. We view these complaints as reasonable, yet the industry has not proposed that a near state of the art tolerance be installed in ship transmitters, as a means of avoiding the need for repeated changes. At the present time administrations are preparing for yet another ITU Radio Conference to be convened in 1979, the agenda of which will permit further changes in frequency tolerance applicable to ship transmitters. Each person can view the paraphrased actions of earlier ITU Conferences, above, and form an opinion regarding the probability that the 1979 Conference will or will not further change ship station frequency tolerances.

18. In doing so, bear in mind, first, that ship station A1 emission tolerances adopted at the 1974 WMAR are substantially less stringent than those which are practical from current technology; and, second, that the multiple tolerances and indicated values required and recommended for A1 emission by the 1974 WMARC are difficult, if possible, to justify from the technical point of view. In the band 4–29.7 MHz, for A1 Morse, the 1974 WMARC requires a tolerance of 50 ppm for both calling and working frequencies, but recommends for the calling frequencies a tolerance of 40 ppm between 4 and 23 MHz and a tolerance of 30 ppm in the 25 MHz band. The following table indicates the consequencies of these actions:

[6] ppm×frequency (in MHz=tolerance (in Hz), for example: 50 (ppm)×8.364 (frequency)=±418.200 (Hz). Further: 0.1%=1,000 ppm; 0.05%=500 ppm; 0.02%=200 ppb; 0.005%=50 ppm; 0.003%=30 ppm.

Band (megahertz)	Calling channels [1]		Working channels	
	Required 50 p/m	Recommended 40 p/m	Required 50 p/m [2]	Needed (parts per million) [3]
4---------	Out-------	In----------	In----------	59.2
6---------	Out-------	In----------	Out---------	39.5
8---------	Out-------	In----------	Out---------	29.6
12--------	Out-------	In----------	Out---------	19.7
16--------	Out-------	In----------	Out---------	14.8
22--------	Out-------	In----------	Out---------	11.2
25--------	Out-------	In [3]-------	Out---------	9.9

[1] "In" means the indicated frequency tolerance (in parts per million) will retain the transmitted carrier within the adopted channel width; whereas "out" means it will not do so.

[2] To retain the transmitted carrier within the adopted channel width (±250 Hz for all A1 morse working frequencies) the indicated tolerance (in parts per million) is needed.

[3] The recommended frequency tolerance is 30 p/m for the 25 MHz band.

19. From the above table it is apparent that there is no coherence between the required frequency tolerance, for either calling or working frequencies, and the adopted channel widths. Such absence of coherence, if generally applied, would make management of the frequency spectrum by the Commission an impossible task. There is an interlocking relationship between frequency tolerance, emitted bandwidth and authorized channel width. The frequency tolerance and emitted bandwidth must be such that they are contained within the authorized channel width. Only by this arrangement can the user of one channel be assured of protection from interference from another user on the adjacent channel. The frequency tolerances adopted by the 1974 WMARC, and referred to above, are inadequate to restrict the user to an assigned channel.

20. To provide coherence in management of the frequency spectrum, as discussed above and hereinafter, we will adopt a frequency tolerance which will restrict the user to the assigned channel. We believe it is important that this change in tolerance be combined with other actions herein proposed, that is, increase in number of available frequencies and the suggested use of a frequency synthesis generator, to provide a flexibility of operation in A1 Morse ship transmitters which will fulfill the current requirements. The combining of these measures and their incorporation into transmitter types such as the 2013, ET 8065A, CRM–T1A–1000, etc., can be accomplished on a combined basis at a substantially lower cost than if each measure is implemented separately. Further, the life of these type transmitters would be extended and, insofar as we can anticipate, would be capable of meeting changes in technical requirements likely to be adopted at the 1979 ITU Conference.

21. In the Appendix we have, therefore, proposed a value of frequency tolerance of 20 Hz, which is the same value as is currently applicable to radiotelephony transmitters. In regard to an effective date, we are proposing that compliance by ship stations be based

on date of type acceptance, either before or after January 1, 1976. This approach is feasible since approximately 81% of the existing A1 Morse transmitters operating between 4 and 24 MHz will require modification of type acceptance to increase the number of available frequencies (discussed later) and to meet the tighter frequency tolerance, and the remaining 19% appear to be adequate.

22. The harmonic relationship type transmitter, generally, has been type accepted for operation on frequencies below 24 MHz, but has not been type accepted for operation on frequencies in the 25 MHz band. It is probable that the tuning range is capable of covering the 25 MHz band without modification of this type transmitter and we are, therefore, looking to the concerned manufacturers to respond to this matter in their comments. If this extension of tuning range is feasible, we will expect affected ship stations to have the capability to operate in the 25 MHz band.

NUMBER OF CHANNELS—SHIPS

23. Of the 702 U.S. ship stations authorized to employ HF A1 Morse radiotelegraphy, 162 are fitted with transmitters which do not utilize the harmonic relationship scheme of operation (see paragraph 11, above). Usually the harmonic type transmitters fit ten 2 MHz crystals and employ the harmonics thereof to obtain output frequencies in the 4, 6, 8, 12, and 16 MHz bands. (Where 4 MHz crystals are employed, no operation in the 6 MHz band is provided.) Such transmitters have a capability of operating on 50 frequencies. Additional crystals can be provided, which can be plugged-in by the ships radio officer, to provide additional frequencies, or alternatively to permit operation in the 22 MHz band. Where such plug-in crystals are used, the radio officer cannot be sure of the output frequency, since frequency measuring test equipment is not normally provided aboard ship. Such an arrangement is not feasible with a frequency tolerance of 20 Hz.

24. The A1 Morse calling bands between 4 and 27.5 MHz include a minimum of 104 frequencies, composed of 18 families of 5 frequencies each, plus 10 frequencies at 22 MHz and 4 frequencies at 25 MHz. The frequencies in the 22 and 25 MHz bands are not harmonically related. The A1 Morse working bands include 820 frequencies, of which 53 families of 5 frequencies each (265 total) are harmonically related. If we look at the calling and working frequencies on the basis of number of 2 MHz crystals which would be required to operate on those frequencies which are harmonically related, exclusive of the frequencies at 22 and 25 MHz, 71 crystals would be required. The 71 crystals would permit operation on 355 frequencies, leaving 569 frequencies on which no operation was possible. If we use a rounded figure of 30,000 for the number of ships using these frequencies and presume that the distribution of ships using harmonically related equipment, to ships which do not use harmonically related equipment, is the same on a world-wide basis as it is in the United States, then we will have approximately 25,000 ships on 355 frequencies and 5,000 on 569 frequencies. The 1974 WMARC, on the other hand, urges administrations, in the assignment of frequencies to ship stations, to distribute the available frequencies uniformly to those ships.

25. The harmonic relationship scheme of operation was written into the International Radio Regulations for the maritime services at the International Radiotelegraph Conference, Madrid, 1932, and it has continued to appear in each amendment of the international Radio Regulations adopted thereafter. The 1974 WMARC, for the first time, recognized the limitations and the complications thereby injected into amendment of the frequency allocation table by such a scheme and looks to its future discontinuance. While provisions must be made for the continued use of existing transmitters using this scheme, the Commission in this rule making is adopting measures to preclude installation of such transmitters on new ships or as new replacement transmitters on existing ships. However, if the crystal oscillator section of these transmitters is replaced by a frequency generator, to provide a capability to operate on all of the Al Morse calling and working frequencies, including those which are harmonically related and those which are not harmonically related, we will continue to authorize their use for radiotelegraphy aboard existing ship stations, provided that they meet the other applicable provisions of the rules. Where such type transmitter is employed, additionally, for radiotelephony and/or radioteleprinter, it must be capable, also, of operation on all the frequencies available for radiotelephony and/or radioteleprinter under the international Radio Regulations as adopted at the 1974 WMARC. When used for radiotelephony and/or radioteleprinter, such type transmitter must be capable, also, of meeting the other applicable provisions of the rules.

HARMONIC RELATIONSHIP TYPE TRANSMITTERS—SHIP

26. With regard to the impracticality of installing harmonic relationship type transmitters on new ships or as new replacement transmitters on existing ships, there are two different areas of difficulty.

We presume that the first area of difficulty can be resolved, that is, that the harmonic relationship type transmitters currently installed aboard ship can be modified to incorporate a frequency synthesis generator in lieu of the current 10-crystal 2 MHz oscillator and that this modification can be type accepted. Such a modification, properly type accepted, will provide the changes needed to meet the frequency tolerance and number of channels required, as discussed above. With this modification, we plan to continue to authorize the use of these modified transmitters aboard existing ships.

27. Turning now, to the second area of difficulty, we are reluctant to perpetuate the harmonic relationship scheme (see paragraph 25, above), developed in the 1940's and now obsolete, employed in transmitter types such as the 2013, ET8065, and others, to generate the required output frequencies. We believe it is timely that we discontinue consideration of transmitters such as the 2013, ET8065, and similar types, for installation aboard new ships or as new replacement transmitters aboard existing ships once the current implementation changes are complete.

28. Accordingly, we propose to include in the Radio Equipment List, Equipment Acceptable for Licensing, appropriate footnotes to accomplish the following:

Except as provided in the next subparagraph, below, to discontinue the availability of the type transmitters set forth in Appendix 2, hereto, for use in a ship station after May 31, 1977;

To permit the continued licensing of transmitters modified as discussed in paragraph 25, above, aboard existing ships; and

To preclude the installation of transmitters modified as discussed in paragraph 25, above, aboard new ships, or as new replacement transmitters aboard existing ships.

COAST STATIONS—CALLING CHANNELS

29. The new Al Morse calling procedure, described in paragraphs 6, 7 and 8, above, has a direct impact on procedures and receiving equipment used at coast radiotelegraph stations. Under the old procedure the coast station operator, electronically or mechanically, slowly tuned the receiver across the 17 channels in each of the calling bands at 4, 6, 8, 12, 16, or 22 MHz, listening for calls from ship stations. Under the new WMARC HF calling procedures, coast station licensee must provide a reception capability on each ship calling frequency required to be guarded, subject, of course, to propagation variations.

30. For example, referring to proposed Section 81.209, station WSL at Amagansett would be required to guard 20 different frequencies. This will require the coast station licensee to install additional receiving devices in order to comply with the new calling requirements. It is also reasonable to forecast that the new calling procedure, once established, will continue in service for many years, thus there would be adequate time to depreciate new receivers that may be required.

31. The last inspection of coast radiotelegraph stations indicated that service had been discontinued on various calling bands without prior authorization by the Commission. To assure that coast radiotelegraph stations provide service on predetermined bands of calling frequencies, the proposed language of paragraph (a) of Section 81.209 has been made specific and the frequency table associated therewith lists the frequencies which each coast station will guard.

32. The above inspection also revealed that some stations are in violation of Section 81.104(a)(3)(i) in that they do not provide for efficient reception of ship station frequencies. Several types of deficiencies were noted: the receiving antennas available provided no increase in receiver output signal level as compared to no antenna; multiple receivers were connected directly to a single antenna with no intervening isolating or distribution amplifier; that no means were provided to minimize the attenuation of incoming signals or interaction between recivers; and that general servicing of station equipment was poor. To assure that these deficiencies are corrected and that the principles of good engineering practice are applied to public coast radiotelegraph stations, we are proposing the addition of a new paragraph (b) to the revised Section 81.209.

33. In order for the new calling procedure adopted by the WMARC to be effective, it is necessary that coast station receivers used on ship calling frequencies meet certain minimum technical standards. The proposed standards are set forth in a new paragraph (c) of Section 81.209. We believe these proposed receiver standards are practicable, are well within the state of the art, should be readily attainable, and that they will facilitate and augment use of the new calling procedure.

34. In the table of proposed Section 81.209(a), each public coast radiotelegraph station is shown as guarding three of the calling channels. Two of these channels are the common calling channels (channel series 5 and 6), which would be used by non-United States operated vessels. As concerns the third channel, it is proposed that stations located on the East Coast share one channel, that coast stations on the Gulf Coast share a second (different) channel, and that coast stations on the West Coast share a third (different) channel. It is proposed that the guard by coast stations of the new 25 MHz calling channels would start on or before June 1, 1977. As discussed in paragraph 36, below, we view this as an interim arrangement.

35. The above arrangement of channels to be guarded by coast stations results from several considerations. The 1974 WMARC permits some ship stations to fit only one of the two common channels (Series 5 or 6). The 1974 WMARC cautions, however, against the use of the common calling channels except where necessary. To provide coverage to vessels fitted with only one of these common channels, the coast stations must guard both common channels. Most United States vessels currently are fitted with the harmonically related type transmitter and, until the suggested frequency synthesis conversion is made, are limited to 10 channels. Some arrangement, such as the above, is needed to minimize the number of ship transmitter channels which are used for calling purposes, including both United States and foreign coast stations. Further, to comply with the cautioning against use of the common channels, at least one additional calling channel must be provided at each coast station, which must be included in the ship transmitter. It is deemed impractical to attempt to use one calling channel for both East and Gulf Coasts, or for the East, Gulf and West Coast. Further, we are doubtful that it is desirable to include all coast stations, on either of the three coasts, on one frequency, however, the limitations in number of channels available in ship transmitters permits no other alternative.

36. Accordingly, we are proposing the three channel guard arrangement discussed above. The total number of ship transmit calling channels for a vessel traversing all three coasts would be 5 channels, plus two for working frequencies, would be 7 channels; which leaves 3 channels for other communications. For ships travelling to foreign ports, or which require 22 and/or 25 MHz frequencies, it would seem doubtful that these three (remaining) channels would be adequate. Until the capability of ship transmitters is increased to include all calling channels, we are required to resort to an interim arrangement. By May 31, 1977, as proposed, all United States registry vessels will be fitted for the use of all calling channels. Thus, we believe it is appropriate that on or about that date a further adjustment should be made in the third calling channel guarded by coast stations, to decrease the number of coast stations sharing those channels.

Other Provisions

37. The 1974 WMARC included extensive provisions in the amended Radio Regulations in regard to frequencies for and the use of narrow-band direct-printing (NB-DP). These provisions include:

Tables of frequencies for paired operation, that is, coast station frequencies which are to be used for transmission to ships, which are paired with frequencies to be used by the ship in transmissions to the coast station.

A table of frequencies for non-paired operation, that is, frequencies which may be used by a ship station for transmission, in which the frequencies to be used by the coast station are not specified.

Changed or additional technical provisions;

Operational procedures for the use of NB-DP, including those for use when patched through the coast station.

These provisions are, generally, included in the attached Appendix.

38. Proposals are also included in the attached Appendix to permit the interim use of the digital selective calling frequencies for calls from a coast station to a ship, or from ship to a coast station by radioteleprinter (NB-DP).

39. In rearranging the allocations in the maritime mobile service bands, the 1974 WMARC shifted the limits of the bands available to coast stations, among others, for radiotelegraphy. These shifts necessitate changes in assignments of a number of frequencies licensed to various coast stations, as set forth in the attached Appendix.

40. The permitted power which may be used by an operator holding a Restricted Permit type of operator license (Restricted Radiotelephone Operator Permit) was increased from 1000 to 1500 watts peak envelope power. The conditions relating to types of equipment which may be used by that category of Permit were not changed. In the attached Appendix we have made a corresponding change in the rules to increase the permitted power from 1000 to 1500 watts.

41. The minimum period between transmission by coast radiotelegraph stations of traffic lists, previously two hours, was reduced to one hour. This change is reflected in the rules set forth in the attached Appendix.

42. The new tables of frequencies available for use by ship and coast stations are set forth in the attached Appendix. The tables include A1 Morse, calling and working; digital selective calling; and working frequencies for narrow-band direct-printing, paired and non-paired.

43. A conflict has existed for some years between the technical and operational requirements applicable to A1 transmitters. The manufacturers can, technically, shape by filtering the keying voltage/pulse to attenuate the out-of-band emissions, as prescribed by section 83.136(a)(1) and (a)(3). Operationally, however, when the A1 transmitter is keyed with a series of dots, full power is not developed in those dots. When the transmitted signal is attenuated, as it is with distance, the dots are not heard, which makes communication either difficult or impossible. To correct this problem, we are relaxing the requirements by expanding the authorized bandwidth from 0.3 to 0.4 kHz, as set forth in the attached Appendix.

44. To provide for the transition from the current usage of frequencies to usage as amended by the 1974 WMARC, we are redesignating sections as follows:

From sec.—	To sec.—	Remarks
83.315	83.232	Sec. 83.332 will be deleted June 1, 1977.
83.317	83.333	Sec. 83.333 will be deleted June 1, 1977.
83.318	83.334	Sec. 83.334 will be deleted June 1, 1977.
83.319	83.335	Sec. 83.335 will be deleted June 1, 1977.
83.320	83.336	Sec. 83.336 will be deleted June 1, 1977.
83.321	83.337	Sec. 83.337 will be deleted June 1, 1977.
83.328	83.338	
83.329	83.339	
83.330	83.340	

45. With deletion of Section 83.337 (formerly Section 83.321—Ship radiotelegraph frequency plan) it will be necessary to employ an alternative arrangement for the assignment of frequencies to ship stations. One of the consequences resulting from the substantial changes adopted at the 1974

WMARC, for the bands between 4 and 27.5 MHz, bears directly on licensing of ship stations for use of the various types of services. Under the 1967 WMARC agreement, administrations were urged to distribute the available frequencies evenly to ship stations under their jurisdiction. Accordingly, radiotelegraph ship stations have been authorized, on the ship station license, to use specific frequencies in the bands designated for Al calling, high traffic, low traffic and narrow-band direct-printing. Under the 1974 WMARC, with one exception, (par. 41), the need to list specific frequencies on the ship station license no longer exists. The Al Morse calling frequencies used by the ship station are dictated by the calling frequencies which are guarded by coast stations. The frequencies used by the ship station for narrow-band direct-printing are, also, dictated by those available at the coast station. The frequencies to be used for digital selective calling are available to all ships. On the other hand, it is necessary to distribute the Al Morse working frequencies evenly to United States registry vessels.[6]

46. In Appendix 3, attached, we show which Al Morse working frequencies (by Series Nos.) will be included on the ship station license at the time of next modification. As set forth in proposed Section 83.319(c), we indicated the two Series Nos. (Al working frequencies) which, on a routine basis, should be used. However, any of the other Series Nos. may be used by the ship station when the two indicated Series Nos. are not adequate. Upon completion of the installation of the required frequencies about ship, United States vessels should, to the maximum extent practicable, operate on those Al Morse working frequencies which are not harmonically related (see Section 83.319(a)).

47. Appendix 3 has been prepared from our files, which are in constant use, and it is possible that some vessel(s) has been overlooked. Such oversight should be called to our attention by the most convenient means, either in writing or by telephone. In Appendix 3, to provide as complete data as practicable, we have also included those small recreational vessels which are authorized to employ Al Morse radiotelegraphy, but which under Section 83.315, are not required to fit frequency synthesis units.

48. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

49. Editorial changes will also be made in Part 13 of the Rules (Commercial Radio Operators) so that the operator requirements in Part 13 will conform with those in Parts 81 and 83.

50. Comments are specifically invited to the proposed requirement that shipboard transmitters be capable of operation on all frequencies of Appendices 15c and 15d of the Radio Regulations. Comments are also invited as to alternative methods of implementing WMARC 1974 regulations, as well as the desirability of requiring a frequency tolerance of 20 Hz.

51. The proposed amendments to the rules, as set forth in the Appendix are issued pursuant to the authority contained in Section 303(c), (f), (g), and (r) of the Communications Act of 1934, as amended, and in the Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974, which sets forth amendments to the international Radio Regulations, Geneva, 1968 Edition.

52. Pursuant to applicable procdeures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before July 26, 1976, and reply comments on or before August 10, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

53. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments filed shall be funrished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: May 17, 1976.

Released: June 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2, 81, and 83 of Chapter I, Title 47, Code of Federal Regulations, are amended as follows:

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In Section 2.303, the existing paragraph is amended and designated as (a) and a new paragraph (b) is added, to read as follows:

§ 2.303 Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete infor-

[6] The Commission is exploring with various government agencies the need for reserving several Series Numbers from Section 83.319 (d) for maritime mobile use by Government ship stations.

mation on identification procedures for each service.

Class of station	*Identification, other than assigned call sign*
* *	* * *
Ship telephone	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.
Ship telegraph	Digital selective call.
Public coast (radiotelephone).	The approximate geographic location in a format approved by the Commission. Coast station identification number.
Public coast (radiotelegraph).	Coast station identification number.
* *	* * *

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

(1) Coast station identification number: 4 digits.

(2) Ship station selective call number: 5 digits.

(3) Predetermined group of ship stations: 5 digits repeated 5 times, or 2 different digits repeated alternatively.

2. Section 2.106 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

Federal Communications Commission

Band (in kilohertz)	Service	Class of station	Frequency	Nature (of services and stations)
7	8	9	10	11
* *	*	*	*	* *
4063 to 4143.6	Maritime mobile	Ship		Ship (telephony, duplex).
4143.6 to 4146.6 (US82)	do	Ship; coast	4145	Ship; coast (telephony, simplex).
4146.6 to 4162.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
4162.5 to 4166	do	Ship; buoy; Interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
4166 to 4170	do	Ship	4168	Ship (wide-band telegraphy, facsimile and special transmission systems).
4170 to 4177.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
4177.25 to 4179.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
4179.75 to 4187.2	do	do		Ship (calling, A1 Morse telegraphy).
4187.2 to 4188	do	do	4187.6	Ship (digital selective calling).
4188 to 4219.4	do	do		Ship (working, A1 Morse telegraphy).
4219.4 to 4349.4	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
4349.4 to 4356.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
4356.75 to 4357.4	do	do	4357	Coast (digital selective calling).
4357.4 to 4438	do	do		Coast (telephony, duplex).
* *	*	*	*	* *
6200 to 6218.6	Maritime Mobile	Ship		Ship (telephony, duplex).
6218.6 to 6224.6 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).
6224.6 to 6244.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6244.5 to 6248	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
6248 to 6256	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6256 to 6267.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
6267.75 to 6269.75	do	do		Ship (nonpaired, narrow-band direct printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
6269.75 to 6280.8	do	do		Ship (calling, A1 Morse telegraphy).
6280.8 to 6282	do	do	6281.4	Ship (digital selective calling).
6282 to 6325.4	do	do		Ship (working, A1 Morse telegraphy).
6325.4 to 6493.9	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems) (NG27).
6493.9 to 6505.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
6505.75 to 6506.4	do	do	6506	Coast (digital selective calling).
6506.4 to 6525	do	do		Coast (telephony, duplex).
* *	*	*	*	* *
8195 to 8291.1	Maritime mobile	Ship		Ship (telephony, duplex).
8291.1 to 8297.3 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).

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Band (in kilohertz)	Service	Class of station	Frequency	Nature (of services and stations)
7	8	9	10	11
8297.3 to 8300	do	Ship		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8033 to 8328	do	do		Ship (wide-band telegraphy, facsimile and special transmission systems).
8328 to 8331.5	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
8331.5 to 8343.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
8343.5 to 8357.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8357.25 to 8357.75	do	do	8357.5	Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8357.75 to 8359.75	do	do		Ship (working, A1 Morse telegraphy).
8359.75 to 8374.4	do	do		Ship (calling, A1 Morse telegraphy).
8374.4 to 8376	do	do	8375.2	Ship (digital selective calling).
8376 to 8435.4	do	do		Ship (working, A1 Morse telegraphy).
8435.4 to 8704.4	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
8704.4 to 8718.25	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8718.25 to 8718.9	do	do	8718.5	Coast (digital selective calling).
8718.9 to 8815	do	do		Coast (telephony, duplex).
•	•	•	•	•
12330 to 12429.2	Maritime mobile	Ship		Ship (telephony, duplex).
12429.2 to 12439.5 (US82).	do	Ship; coast		Ship; coast (telephony, simplex).
12439.5 to 12479.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12479.5 to 12483	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
12483 to 12491	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12491 to 12519.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
12519.75 to 12526.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
12526.75 to 12539.6	do	do		Ship (working, A1 Morse telegraphy).
12539.6 to 12561.6	do	do		Ship (calling, A1 Morse telegraphy).
12561.6 to 12564	do	do	12562.3, 12562.8.	Ship (digital selective calling).
12564 to 12652.3	do	do		Ship (working, A1 Morse telegraphy).
12652.3 to 13070.8	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
13070.8 to 13099.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
13099.75 to 13100.8	do	do	13100, 13100.5.	Coast (digital selective calling).
13100.8 to 13200	do	do		Coast (telephony, duplex).
•	•	•	•	•
16460 to 16587.1	Maritime mobile	Ship		Ship (telephony, duplex).
16587.1 to 16596.4 (US82).	do	Ship; coast		Ship; coast (telephony, simplex).
16596.4 to 16636.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16636.5 to 16640	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
16640 to 16660	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16660 to 16694.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).

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Band (in kilohertz)	Service	Class of station	Frequency	Nature (of services and stations)
7	8	9	10	11
16694.75 to 16705.8	do	do		Ship (nonpaired, narrow-band direct printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
16705.8 to 16719.8	do	do		Ship (working, A1 Morse telegraphy).
16719.8 to 16748.8	do	do		Ship (calling, A1 Morse telegraphy).
16748.8 to 16752	do	do	16749.9, 16750.4.	Ship (digital selective calling).
16752 to 16859.4	do	do		Ship (working, A1 Morse telegraphy).
16859.4 to 17196.9	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
17196.9 to 17231.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
17231.75 to 17232.9	do	do	17232, 17232.5.	Coast (digital selective calling).
17232.9 to 17360	do	do		Coast (telephony, duplex).
*	*	*	*	*
22000 to 22124	Maritime mobile	Ship		Ship (telephony, duplex).
22124 to 22139.5 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).
22139.5 to 22160.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22160.5 to 22164	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
22164 to 22192	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22192 to 22225.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22225.75 to 22227	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22227 to 22247	do	do		Ship (calling, A1 Morse telegraphy).
22247 to 22250	do	do	22248, 22248.5.	Ship (digital selective calling).
22250 to 22310.5	do	do		Ship (working, A1 Morse telegraphy).
22310.5 to 22561	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
22561 to 22594.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22594.75 to 22596	do	do	22595, 22595.5.	Coast (digital selective calling).
22596 to 22720	do	do		Coast (telephony, duplex).
*	*	*	*	*
25.01 to 25.07	Land mobile	Base; land mobile	25.02 to 25.06 (NG32).	Industrial.
25.07 to 25.76	Maritime mobile	Ship		Ship (calling, A1 Morse telegraphy).
25.76 to 25.0901	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
25.0901 to 25.11	do	do		Ship (working, A1 Morse telegraphy).
25.11 to 25.33	Land mobile	Base; land mobile	25.12 to 25.32 (NG32).	Industrial.
*	*	*	*	*

B. PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In Section 81.143, paragraph (c) is amended and new paragraphs (d), (e) and (f) are added to read as follows:

§ 81.143 Narrow-band direct-printing radiotelegraph equipment.

* * * * *

(c) (1) Class F1 emission shall be used, with a tonal frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single-sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwidth, shall be suppressed to the level prescribed by § 81.140. Further, the center audio frequency between the ±85 Hz tones shall be 1700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower of the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to bypass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

2. In Section 81.152, paragraph (d) is amended to read as follows:

§ 81.152 Operator required.

* * * * *

(d) *Description of station*	*Minimum operator authorization*
Public coast telegraph, all classes	T–2.
Coast telephone, all classes, except in Alaska:	
Exceeds 250 W carrier power or 1,500 W peak envelope power	T–2 or P–2.
250 W or less carrier power; or 1,500 W or less peak envelope power operating on frequencies below 30 MHz	T–3 or P–3.
250 W or less carrier power, or 1,500 W or less peak envelope power operating on frequencies above 30 MHz	RP.
Coast telephone in Alaska:	
Exceeds 250 W carrier power; or 1,500 W peak envelope power, class I station	T–2 or P–2.
Exceeds 250 W carrier power, or 1,500 W peak envelope power, class II or class III station	T–3 or P–3.
250 W or less carrier power, or 1,500 W or less peak envelope power, all classes	RP.
Marine fixed, except in Alaska	T–3 or P–3.
Marine fixed, in Alaska	RP.
Marine utility coast	RP.
Shipyard base	RP.

* * * * *

3. In Section 81.184, paragraphs (a) and (b) are amended and note deleted, to read as follows:

§ 81.184 Transmission of traffic lists by coast stations.

(a) Public coast stations are authorized to transmit, on their normal working frequencies in the appropriate bands, lists of official call signs (or, alternatively in the use of radiotelephony, the names of the respective ships), in alphabetical order insofar as practicable, of all mobile stations for which they have traffic on hand. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency that they are about to transmit such call lists on a specified frequency. These traffic lists shall be transmitted at intervals of:

(1) In the case of radiotelephony, at least two hours and not more than four hours during the working hours of the coast station.

(2) In the case of radiotelegraphy, at least one hour and not more than four hours during the working hours of the coast station.

(b) An announcement on a calling frequency that a coast station is about to transmit a call list on a specified working frequency shall be as brief as practicable, but in any event shall not be repeated more than twice.

4. The present text of Section 81.203 is redesignated 81.223 and a new Section 81.203 is adopted to read as follows:

§ 81.203 Digital selective calling frequencies.

(a) The carrier frequencies set forth in the table below are available for use by each coast station authorized to employ frequencies in the band 4–27.5 MHz for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast station transmit to ships (kilohertz) [1]	*Coast station receive from ships (kilohertz)* [1]
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

[1] These frequencies are available for use effective June 1, 1977.

(b) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, coast station authorized to employ narrow-band direct-printing (NB–DP) for communications with ship stations may, effective June 1, 1977, use the frequencies designated in paragraph (a) of this section for calls to ship stations fitted for the use of narrow-band direct-printing equipment.

(c) In using the frequencies indicated for transmission, coast stations should make reasonable effort to avoid the creation of interference to other coast stations employing the same frequencies.

(d) In calling ship stations by narrow-band direct-printing, the coast station shall use the ship station selective call number (5 digits) and effect self-identification by the use of the coast station identification number (4 digits).

(e) Calls to a ship station shall employ the following format:

Ship station selective call number, repeated twice;

"DE," sent once; and

Coast station identification number, repeated twice.

(f) When the ship station does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

5. The present text of Section 81.204 is redesignated § 81.224 and a new Section 81.204 is adopted to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct-printing radiotelegraph and data transmission systems.

(a) Each of the specific frequencies set forth in the following table under the column headed "coast transmit" may be licensed as an assigned frequency for use by coast stations employing narrow-band direct-printing radiotelegraphy for communication with ship stations employing the same system, subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided,* That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations:

[In kilohertz]

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	4350	4170.5	6494.5	6256.5	8705	8344
2	4350.5	4171	6495	6257	8705.5	8344.5
3	4351	4171.5	6495.5	6257.5	8706	8345
4	4351.5	4172	6496	6258	8706.5	8345.5
5	4352	4172.5	6496.5	6258.5	8707	8346
6	4352.5	4173	6497	6259	8707.5	8346.5
7	4353	4173.5	6497.5	6259.5	8708	8347
8	4353.5	4174	6498	6260	8708.5	8347.5
9	4354	4174.5	6498.5	6260.5	8709	8348
10	4354.5	4175	6499	6261	8709.5	8348.5
11	4355	4175.5	6499.5	6261.5	8710	8349
12	4355.5	4176	6500	6262	8710.5	8349.5
13	4356	4176.5	6500.5	6262.5	8711	8350
14	4356.5	4177	6501	6263	8711.5	8350.5
15	----------	----------	6501.5	6263.5	8712	8351
16	----------	----------	6502	6264	8712.5	8351.5
17	----------	----------	6502.5	6264.5	8713	8352
18	----------	----------	6503	6265	8713.5	8352.5
19	----------	----------	6503.5	6265.5	8714	8353
20	----------	----------	6504	6266	8714.5	8353.5
21	----------	----------	6504.5	6266.5	8715	8354
22	----------	----------	6505	6267	8815.5	8354.5
23	----------	----------	6505.5	6267.5	8716	8355
24	----------	----------	----------	----------	8716.5	8355.5
25	----------	----------	----------	----------	8717	8356
26	----------	----------	----------	----------	8717.5	8356.5
27	----------	----------	----------	----------	8718	8357

Series No.	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	13071.5	12491.5	17197.5	16660.5	22561.5	22192.5
2	13072	12492	17198	16661	22562	22193
3	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
4	13073	12493	17199	16662	22563	22194
5	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
6	13074	12494	17200	16663	22564	22195
7	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
8	13075	12495	17201	16664	22565	22196
9	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
10	13076	17496	17202	16665	22566	22197
11	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
12	13077	12497	17203	16666	22567	22198
13	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
14	13078	12498	17204	16667	22568	22199
15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
16	13079	12499	17205	1668	22569	22200
17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
18	13080	12500	17206	16669	22570	22201
19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
20	13081	12501	17207	16670	22571	22202
21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
22	13082	12502	17208	16671	22572	22203
23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
24	13083	12503	17209	16672	22573	22204
25	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
26	13084	12504	17210	16673	22574	22205
27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
28	13085	12505	17211	16674	22575	22206
29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
30	13086	12506	17212	16675	22576	22207
31	13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
32	13087	12507	17213	16676	22577	22208
33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
34	13088	12508	17214	16677	22578	22209
35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
36	13089	12509	17215	16678	22579	22210
37	13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
38	13090	12510	17216	16679	22580	22211
39	13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
40	13091	12511	17217	16680	22581	22212
41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
42	13092	12512	17218	16681	22582	22213
43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
44	13093	12513	17219	16682	22583	22214
45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
46	13094	12514	17220	16683	22584	22215
47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
48	13095	12515	17221	16684	22585	22216
49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5
50	13096	12516	17222	16685	22586	22217
51	13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
52	13097	12517	17223	16686	22587	22218
53	13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
54	13098	12518	17224	16687	22588	22219
55	13098.5	12518.5	17224.5	16687.5	22588.5	22219.5

Series No.	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
56	13099	12519	17225	16688	22589	22220
57	13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
58			17226	16689	22590	22221
59			17226.5	16689.5	22590.5	22221.5
60			17227	16690	22591	22222
61			17227.5	16690.5	22591.5	22222.5
62			17228	16691	22592	22223
63			17228.5	16691.5	22592.5	22223.5
64			17229	16692	22593	22224
65			17229.5	16692.5	22593.5	22224.5
66			17230	16693	22594	22225
67			17230.5	16693.5	22594.5	22225.5
68			17231	16694		
69			17231.5	16694.5		

(b) The procedures set forth in this paragraph shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB-DP) radiotelegraphy with ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communication between two stations, the ARQ mode should be used when available.

(3) For transmissions to two or more ship stations, the forward-error-correcting mode should be used when available.

(4) When using (paired) frequencies set forth in paragraph (a) of this section, the coast station shall receive the ship station on the frequencies, indicated in the table under "coast receive," which are paired with the frequencies used by the coast station. Cross-band operation is prohibited between coast station transmissions on frequencies listed in another section of this part and ship station transmissions on frequencies listed in paragraph (a) of this section.

(5) When receiving ship station transmissions on (non-paired) NB-DP frequencies, the coast station shall transmit on one or another of the frequencies listed in Section 81.206. Special arrangements may be made between a coast station and ship stations, or shipping companies, for the use of specific frequencies.

(6) Calls to ship stations by NB-DP shall normally be made by radio-teleprinter on the frequencies of Section 81.203(a), or on the NB-DP frequencies assigned to the coast station. The routine use of A1 Morse radiotelegraphy frequencies for the setting up of a NB-DP circuit is not authorized. Provided, however, That coast stations may, when the above alternatives are unsuccessful, call ship stations by A1 Morse radiotelegraphy, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB-DP circuit.

(c) Subject to and in accordance with the provisions of paragraph (a) and (b) of this section, coast radiotelegraph stations may, upon grant of a proper application, be authorized to employ the coast transmit frequencies specified in the indicated Series No., as set forth in paragraph (a) of this section, as follows:

Call letters of coast station:	*NB-DP series No., available June 1, 1977*
KFS	1, 3, 16, 28, 47
KHK	10, 22, 42
KLB	8, 33, 50
KLC	8, 17, 48
KOK	6, 30, 49
KPH	13, 14, 21, 22, 38
WAX	10, 15, 36
WCC	13, 14, 21, 22, 38
WLO	5, 7, 54
WNU	2, 19, 52, 57
WOE	6, 21, 26, 42
WPA	11, 22, 44
WSC	9, 18, 40
WSL	1, 3, 16, 28, 47

7. The present text of Section 81.205 is redesignated § 81.225 and a new Section 81.205 is adopted to read as follows:

§ 81.205 Narrow-band direct-printing (NB-DP) operating procedure.

(a) When both terminals of the NB-DP circuit are satisfied that the circuit is in operable condition, the message preamble shall be transitted in the following format:

One carriage return and one line feed:

Serial number or number of the message;

The name of the office of origin;

The number of words;

The date of handing in of the message;

The time of handing in of the message; and

Any service instructions. (See CCITT, Geneva 1972, Section 6 of the General provisions applying to all methods of working.)

(b) Upon completion of transmission of the preamble, the address, the text and the signature shall be transmitted as received from the sender.

(c) Upon completion of transmission of the signature, the coast station shall, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(d) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(e) The provisions of paragraphs (a) through (d) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee, or vice versa, is employed.

8. In Section 81.206, the table following paragraph (a) is amended by the deletion and, in lieu thereof, the addition of direct replacement frequencies, as follows:

Area	Delete (kilohertz) [1]	Direct replacement (kilohertz) [2]
North Atlantic	6502	6333.5
	6505.5	6337
	6512.5	6344
	17247.4	16904.9
	22599	22348.5
	22617	22366.5
South Atlantic	8722	8453
	13078.5	12660
	17199.2	16861.7
	22569	22318.5
Central Pacific	4358	4228
	8714	8445
	17184.8	16847.3
South Pacific	8714	8445
	8722	8453
	13078.5	12660
	17208.8	16871.3
	22569	22318.5
Puerto Rico	8726	8457
	13119	12700.5

[1] The deleted frequencies will be removed from service on or before July 31, 1976, or simultaneous with implementation of the direct replacement frequencies.

[2] The direct replacement frequencies will be brought into service between June 2 and July 31, 1976.

9. In Section 81.207, paragraph (e) is amended and a new paragraph (f) is added to read as follows:

§ 81.207 Frequencies for call and reply.

* * * * *

(e) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed until June 1, 1977.

* * * * *

(f) The frequencies set forth in the table below are available for use by coast radiotelegraph stations for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast transmit to ships (Kilohertz) [1]	*Coast receive from ships (Kilohertz)* [1]
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

[1] These frequencies are available for use effective June 1, 1977.

10. The present text of Section 81.208 is redesignated § 81.218 and subparagraph (d)(3) thereof is deleted.

11. The numbering of six sections (§§ 81.209 through 81.214) is changed and redesignated (§§ 81.219 through 81.224), as follows:

Changed from—	*Changed to and redesignated*
81.209	81.219
81.210	81.220
81.211	81.221
81.212	81.222
81.213	81.223
81.214	81.224

12. A new Section 81.209 is added, to read as follows:

§ 81.209 Watch on ship calling frequencies.

(a) Coast stations shall maintain a continuous listening watch, subject to normal variations in radio propagation, during their working hours for calls from ship stations on frequencies as set forth in the following table:

[Kilohertz]

Area	Channel series	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
WAX, WCC, WMH, WOE, WSC, WSL, WSV.	C3	4181	6271.5	8362	12543	16724	22228	25071
	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
KLC, WLO, WNU, WPA, WPD.	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
	C9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
KHK, KFS, KLB, KOK, KPH.	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
	C13	4185	6277	8370	12555	16740	22240	25075

(b) The receiving installation employed on each designated frequency shall fulfill the following requirements:

(1) The receiving antennas provided shall be capable of effective and efficient reception of calls from ship stations on each of the designated frequencies.

(2) The transmission lines connecting antennas and receivers shall provide a minimum of attenuation of incoming signals.

(3) When more than one receiver is operated from a single antenna, means shall be provided to minimize the attenuation of incoming signals and interaction between receivers.

(c) The receivers employed shall:

(1) Be capable of being accurately set to and of being reset to any one of the designated calling frequencies in each band for which the receiver is intended to operate. The time required to set or to reset the receiver to frequency shall not exceed 5 seconds.

(2) Have a selectivity capability such that it will reject signals on adjacent channels 500 Hz removed.

(3) Have a long term frequency stability of not more than 50 Hz, and shall not require recalibration more often than once each 90 days.

(4) Have a minimum sensitivity of 2 microvolts across receiver input terminals of 50 Ohms, or equivalent.

(5) Provide a power output and audio frequency response adequate to drive headphones, loudspeakers, and/or recording equipment, as necessary to meet normal station operations. The harmonic audio distortion shall not exceed five percent (5%) at any rated output power.

C. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.131, paragraph (b) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * * *

(b) * * *

Frequency ranges:	*Tolerance—parts in 10^6 unless shown as hertz*
(1) From 100 to 535 kHz:	
(i) For transmitter using A2H emission, type accepted or type approved before Jan. 1, 1976	50 Hz
(ii) For transmitters using other than A2H emissions and classes of emission specified in (2) and (3), below, type accepted or type approved before Jan. 1, 1976	1,000
(iii) For transmitters, type accepted or type approved after Jan. 1, 1976	20 Hz
(2) From 100 to 535 kHz: Emergency transmitter only, the use of which is certified solely to safety communications or defined in sec. 83.6(a), type accepted or type approved:	
(i) Before Jan. 1, 1976	3,000
(ii) After Jan. 1, 1976	20 Hz
(3) Survival craft stations on 500 kHz: For transmitters, type accepted or type approved:	
(i) Before Jan. 1, 1976	5,000
(ii) After Jan. 1, 1976	20 Hz
(4) Ship stations from 1,605 to 2,070 and 2,080 to 3,500 kHz:	
(i) For transmitters using other than A3A, A3H, and A3J emissions, type accepted or type approved before Jan. 1, 1976	200
(ii) For transmitters using A3A, A3H, and A3J emissions, type accepted or type approved before Jan. 1, 1976	50 Hz
(iii) For transmitters type accepted or type approved after Jan. 1, 1976	20 Hz
(5) Ship stations from 2,070 to 2,080 kHz: For transmitters type accepted or type approved:	
(i) Before Jan. 1, 1976	50
(ii) After Jan. 1, 1976	20 Hz

Frequency ranges:	*Tolerance—parts in 10^6 unless shown in hertz*
(6) Survival craft stations on 2,182 kHz:	
For transmitters type accepted or type approved:	
(i) Before Jan. 1, 1976	200
(ii) After Jan. 1, 1976	20 Hz
(7) Stations when using frequencies within the band 4,000 to 27,500 kHz:	
(i) Ship stations using emission A1 with transmitters type accepted or type approved:	
(a) Before Jan. 1, 1976	50
(b) After Jan. 1, 1976	20 Hz
(ii) Ship stations using frequencies allotted for narrow-band direct-printing telegraph and data transmission system with transmitters type accepted or type approved:	
(a) Before Jan. 1, 1976	50 Hz
(b) After Jan. 1, 1976	20 Hz
(iii) Ship stations using A3A, A3H, or A3J emissions with transmitters type accepted or type approved:	
(a) Before Jan. 1, 1976	50 Hz
(b) After Jan. 1, 1976	20 Hz
(iv) Ship stations using emissions other than (i), (ii), or (iii), above, with transmitters type accepted or type approved:	
(a) Before Jan. 1, 1976	50
(b) After Jan. 1, 1976	20 Hz
(v) Survival craft stations on 8364 kHz with transmitters type accepted or type approved:	
(a) Before Jan. 1, 1976	200
(b) After Jan. 1, 1976	20 Hz

* * * * *

2. In Section 83.133, the table following paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16A1	0.4
A2	2.66A2	2.8
A3	6A3	8.0
A9	3.2A9	[4] 8.0
F1	0.3 F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
F9	20000F9	20000
PO	(5)	(5)
A3A	2.8A3A	[4] 3.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
A3B	5.6A3B	7.0

[1] * * *
[2] * * *
[3] * * *
[4] * * *
[5] * * *
[6] Variable.

* * * * *

3. In Section 83.134, paragraph (d) is amended to read as follows:

§ 83.134 Transmitter Power.

* * * * *

(d) Other than for the frequencies specified in § 83.360 and as may be specified in the specific limitations in § 83.351, transmitter power for telephony on frequencies below 27.5 MHz shall not exceed the following values in watts:

Area	Frequency band (MHz)	Class of emission	Transmitter power
Great Lakes Area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2-27.5	Any	150
Other than the above	2-4	Ship to shore:	
		A3	[1] [3] 400
		A3H, A3A, A3J	[1] [3] 150
		Ship to ship:	
		A3	150
		A3H, A3A, A3J	150
	4-27.5	Any	[4] 1500

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kHz is 150 W.
[2] Except for the limitation specified in footnote 1 to this table, for cargo vessels of 300 gross tons and over this value is 500 W.
[3] Except for the limitation specified in footnote 1 to this table, passenger vessels of 5,000 gross tons and over this value is 1,000 W.
[4] For passenger vessels of 5,000 gross tons and over this value is 3000 W.

* * * * *

4. In Section 83.143, paragraph (c) is amended and new paragraphs (d), (e), and (f) are added to read as follows:

§ 83.143 Narrow-band direct-printing radiotelegraph equipment.

* * * * *

(c) (1) Class F1 emission shall be used, with a total frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single-sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwidth shall be suppressed to the level prescribed by § 83.136. Further, the center audio frequency between the ±85 Hz tones shall be 1700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower of the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to by-pass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

5. In Section 83.155, paragraphs (d) and (e) are amended to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

* * * * *

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelephone station shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

(e) Each vessel of the United States transporting more than six passengers for hire, which in accordance with Part III of Title III of the Communications Act is equipped with a radiotelephone installation, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

6. In Section 83.156, paragraph (b) is amended to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

* * * * *

(b) Each cargo ship of the United States which is not subject to Part II of

Title III of the Communications Act but which in accordance with the radio provisions of the Safety Convention is equipped with a radiotelephone station, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power such operator shall, as a minimum, hold a radiotelephone second-class operator license.

7. Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for noncompulsory stations.

Description of station	*Minimum operator authorization*
Public ship telegraph, all categories.	T–2.
Public or limited ship telephone, more than 250 watts carrier power or 1,500 watts peak envelope power.	T–2 or P–2.
Public or limited ship telephone, not more than 250 watts carrier power or 1,500 watts peak envelope power.	RP.
Marine utility ship	RP.
Ship radiolocation-test, using radar only.	P–2, with ship radar endorsement, or T–2, with ship radar endorsement.

8. [Not used]

9. The present text of § 83.315 is redesignated § 83.332 and a new § 83.315 is adopted to read as follows:

§ 83.315 Authorized frequencies.

(a) The tables in §§ 83.316, 83.317, 83.318, 83.319, 83.320 and 83.321 set forth the carrier frequencies, which, when authorized by a station license may be used by ship stations employing A1 Morse or narrow-band direct-printing radiotelegraphy for communication with ship or coast stations.

(b) Frequencies available for assignment for manual Morse radiotelegraphy in the bands between 90 kHz and 27.5 MHz are designated in the respective sections, as follows:

(1) In § 83.316, ship calling and working frequencies, 90–160 and 405–535 kHz.

(2) In § 83.317, Calling frequencies—A1 Morse radiotelegraphy. (C1–C18)

(3) In § 83.318, Digital selective calling frequencies.

(4) In § 83.319, Working frequencies—A1 Morse radiotelegraphy. (W1–W62)

(5) In § 83.320, Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—paired. (R1–R69)

(6) In § 83.321, Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—nonpaired. (P1–P28)

(c) Frequencies in the bands between 2 and 27.5 MHz assigned in accordance with this section to a station or a particular vessel will be retained on the license of that station, should the station be relicensed at a later date to a different licensee.

(d) After June 1, 1977, each radiotelegraph ship station aboard vessels of 1600 gross tons and over which ply international routes, and which are fitted for operation on frequencies in the bands between 4 and 27.5 MHz, shall be capable of operating on all of the frequencies in each band for the type of service (A1 Morse, narrow-band direct-printing, etc.) intended to be provided by the ship station.

10. The present text of § 83.317 is redesignated § 83.333 and a new § 83.317 is adopted to read as follows:

§ 83.317 Calling frequencies — A1 Morse radiotelegraphy.

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 27.5 MHz are set forth in the seven tables of this section. All of these frequencies are available to all properly authorized ship stations. In paragraphs (c) through (f) the calling frequencies are arranged by Channel Series numbers. The Channel Series which is routinely guarded by coast radiotelegraph stations at United States locations is marked by appropriate footnote. The specific frequencies of the Channel Series which are guarded at a coast station will vary subject to normal propagation conditions. For vessels operating internationally, the calling frequencies which are routinely guarded at coast stations at other than United States locations can be determined by reference to the ITU publication entitled "List of Coast Stations". The world-wide plan for the distribution and use of calling frequencies appears in Appendix 15C and Resolution No. MAR 2–5 to the current edition of the ITU Radio Regulations.

(b) Each ship station aboard a vessel of 1600 gross tons or over which is authorized to employ A1 Morse radiotelegraphy shall be fitted for use of channel series 1 through 18, as follows:

	[Band]						
Channel series	4 MNz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
1	4180.2	6270.3	8360.4	12540.6	16720.8	22230	25071
2	4180.6	6270.9	8361.2	12541.8	16712.4	22230	25071
3	4181	6271.5	8362	12543	16724	22228	25071
4	4181.4	6272.1	8362.8	12544.2	16725.6	22228	25071
5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
7	4182.6	6273.9	8365.2	12547.8	16730.4	22238	25071
8	4183	6274.5	8366	12549	16732	22238	25071
9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
10	4183.8	6275.7	8367.6	12551.4	16735.2	22236	25071
11	4184.2	6276.3	8368.4	12552.6	16736.8	22242	25075
12	4184.6	6276.9	8369.2	12553.8	16738.4	22242	25075
13	4185	6277.5	8370	12555	16740	22240	25075
14	4185.4	6278.1	8370.8	12556.2	16741.6	22240	25075
15	4185.8	6278.7	8371.6	12557.4	16743.2	22246	25075
16	4186.2	6279.3	8372.4	12558.6	16744.8	22246	25075
17	4186.6	6279.9	8373.2	12559.8	16746.4	22244	25075
18	4187	6280.5	8374	12561	16748	22244	25075

(c) World-wide common channels.

Channel Series 5 (C5): 4181.8, 6272.7, 8363.6, 12545.4, 16727.2, 22232.0, 25073.0 kHz.[1]
Channel Series 6 (C6): 4182.2, 6273.3, 8364.4, 1254.6, 16728.8, 2234.0, 25073.0 kHz.[1]

[1] Routinely guarded by all coast radiotelegraph stations.

(d) East Coast.

[In kilohertz]

C1	C2	C3[1]	C4
4180.2	4180.6	4181.0	4181.4
6270.3	6270.9	6271.5	6272.1
8360.4	8361.2	8362.0	8362.8
12540.6	12541.8	12543.0	12544.2
16720.8	16722.4	16724.0	16725.6
22228.0	22228.0	22228.0	22228.0
22230.0	22230.0	----------	22230.5
25071.0	25071.0	25071.0	25071.0

[1] Routinely guarded by all east coast radiotelegraph stations.

(e) Gulf Coast, Puerto Rico, and Virgin Islands.

[In kilohertz]

C7	C8	C9[1]	C10
4182.6	4183.0	4183.3	4183.8
6273.9	6274.5	6275.1	6275.7
8365.2	8366.0	8366.8	8367.6
12547.8	12549.0	12550.2	12551.4
16730.4	16732.0	16733.6	16735.2
22236.0	22236.0	22236.0	22236.0
22238.0	22238.0	----------	22238.0
25071.0	25071.0	25071.0	25071.0

[1] Routinely guarded by all gulf coas adiotelegraph stations.

(f) West Coast, Guam, and Hawaii.

[In kilohertz]

C11	C12	C13[1]	C14
4184.2	4184.6	4185.0	4185.4
6276.3	6276.9	6277.5	6278.1
8368.4	8369.2	8370.0	8370.8
12552.6	12553.8	12555.0	12556.2
16736.8	16738.4	16740.0	16741.6
22242.0	22240.0	22240.0	22250.0
22242.0	22242.0	----------	22242.0
25075.0	25075.0	25075.0	25075.0

[1] Routinely guarded by all west coast radiotelegraph stations.

(g) American Samoa.

[In kilohertz]

C15	C16	C17	C18
4185.8	4186.2	4186.6	4187.0
6278.7	6279.3	[1] 6279.9	6280.5
8371.6	8372.4	[1] 8373.2	8374.0
12557.4	12558.6	12559.8	12561.0
16743.2	16744.8	16746.4	16748.0
22244.0	22244.0	22244.0	22244.0
22246.0	22246.0	----------	22246.0
25075.0	25075.0	25075.0	25075.0

[1] Routinely guarded.

(h) The frequencies set forth in this paragraph are available for use by any ship station authorized to employ A1 Morse radiotelegraphy. The conditions of use are set forth in Section 83.323 (b) and (c).

kHz	*kHz*
2089.75	2091.25
2090	2091.50
2090.25	2091.75
2090.50	2092
2090.75	2092.25
2091	

(i) Initial calls by ship stations shall be made on the appropirate frequencies of Channel Series 3, 9, 13, or 17. Routinely, calls shall not be made on Channel Series 5 or 6 until after calls on the appropriate frequencies of Channel Series, 3, 9, 13, or 17 have been unsuccessful.

(j) The transition by ship stations from the calling frequencies set forth in Section 83.334 (C1 through C9 and CS) to the calling frequencies set forth in this Section (C1 through C18) shall be effected in an orderly manner and shall commence June 1, 1976 and be completed on or before June 1, 1977. During the interim period between June 1, 1976 and June 1, 1977, the calling frequencies set forth in this section and in Section 83.334 will be available for use by ship stations. Effective June 1, 1977, Section 83.334 is deleted.

10. The present text of Section 83.318 is redesignated Section 83.334 and a new Section 83.318 is added to read as follows:

§ 83.318 Digital selective calling frequencies.

(a) The frequencies set forth in the table below are available for use by ship stations for calls to coast radiotelegraph stations by means of digital selective calling. The associated reply frequencies are also shown.

Ship station transmit to coast (kHz) [1]	*Ship station receive from coast (kHz)* [1]
4187.6	4357
6281.4	6506
8375.2	8718.5
12562.3	13100
12562.8	13100.5
16749.9	17232
16750.4	17232.5
22248	22595
22248.5	22595.5

[1] These frequencies are available for use effective June 1, 1977.

(b) When the frequencies specified in paragraph (a) of this section are used for calling by narrow-band direct-printing, the procedures set forth in Section 83.329 shall be applicable.

11. The present text of § 83.319 is redesignated § 83.335 and a new § 83.319 is adopted to read as follows:

§ 83.319 Working Frequencies—A1 Morse Radiotelegraphy.

(a) Ship radiotelegraph working frequencies are set forth in Table (d) of this section. The first line in each Series Nos. 1–53, inclusive, indicates the harmonically related assignable carrier frequencies in the 4, 6, 8, 12, and 16 MHz bands. The other frequencies listed: in Series Nos. W1–W53 opposite (a), (b) and (c); all 22 and 25 MHz frequencies; and the frequencies indicated in Series Nos. W54–W62, inclusive are not necessarily harmonically related.

(b) Two Series Nos. of working frequencies, for example W1 and W31, are assigned to each radiotelegraph ship station. Frequencies from the two Series Nos. assigned to each radiotelegraph ship station should be used for normal working. Other Series Nos., and frequencies therefrom, may be used by a ship station when the frequencies of the two assigned Series Nos. are not adequate.

(c) The transition by ship stations from A1 Morse radiotelegraph working frequencies set forth in Sections 83.333 (H1 through H11) and 83.335 (L1 through L49) to the working frequencies set forth in this section (W1 through W62) shall be effected in an orderly manner and shall be completed on or before May 31, 1977. During the interim period prior to June 1, 1977, both the old frequencies (§§ 83.333 and 83.335) and the new frequencies (§ 83.319) are available for use by ship stations. Effective June 1, 1977, Section 83.333 and 83.335 are deleted.

TABLE (d)

[In kilohertz]

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W 1	4188.5	6282.7	8377	12565.5	16754	22250.5	25091.5
(a)				12566	16754.5	22251	
(b)			8377.5		16755		
(c)				12566.5	16755.5		
W 2	4189	6283.5	8378	12567	16756	22251.5	25092
(a)				12567.5	16756.5	22252	
(b)			8378.5		16757		
(c)				12568	16757.5		
W 3	4189.5	6284.2	8379	12568.5	16758	22252.5	25092.5
(a)				12569	16758.5	22253	
(b)			8379.5		16759		
(c)				12569.5	16759.5		
W 4	4190	6285	8380	12570	16760	22253.5	25093
(a)				12570.5	16760.5	22254	
(b)			8380.5		16761		
(c)				12571	16761.5		
W 5	4190.5	6285.7	8381	12571.5	16762	22254.5	25093.5
(a)				12572	16762.5	22255	
(b)			8381.5		16763		
(c)				12572.5	16763.5		
W 6	4191	6286.5	8382	12573	16764	22255.5	25094
(a)				12573.5	16764.5	22256	
(b)			8382.5		16765		
(c)				12574	16765.5		
W 7	4191.6	6287.2	8383	12574.5	16766	22256.5	25094.5
(a)				12575	16766.5	22257	
(b)			8383.5		16767		
(c)				12575.5	16767.5		
W 8	4192	6288	8384	12576	16768	22257.5	25095
(a)				12576.5	16768.5	22258	
(b)			8384.5		16769		
(c)				12577	16769.5		
	4192.5	6288.7	8385	12577.5	16770	22258.5	
				12578	16770.5	22259	
			8385.5		16771		
(a)				12578.5	16771.5		
Wb)				12579	16772	22259.5	25096
(c)	4193	6289.5	8386	12579.5	16772.5	22260	
					16773		
a)			8386.5		16773.5		
W(b)				12580	16774	22260.5	25096.5
W11	4193.5	6290.2	8387	12580.5	16774.5	22261	
(a)				12581	16775		
(b)			8387.5		16775.5		
(c)				12581.5	16776	22261.5	25097
W12	4194	6291	8388	12582	16776.5	22262	
(a)				12582.5	16777		
(b)			8388.5		16777.5		
(c)				12583	16778	22262.5	25097.5
W13	4194.5	6291.7	8389	12583.5	16778.5	22263	
(a)				12584	16779		
(b)			8389.5		16779.5		
(c)				12584.5	16780	22263.5	25098
W14	4195	6292.5	8390	12585	16780.5	22264	
(a)				12585.5	16781		
(b)			8390.5		16781.5		
(c)				12586	16782	22264.5	25098.5
W15	4195.5	6293.2	8391	12586.5	16782.5	22265	
(a)				12587	16783		
(b)			8391.5		16783.5		
(c)				12587.5	16784	22265.5	25099
W16	4196	6294	8392	12588	16784.5	22266	
(a)				12588.5	16785		
(b)			8392.5		16785.5		
(c)				12589	16786	22266.5	25099.5
W17	4196.5	6294.7	8393	12589.5	16786.5	22267	
(a)				12590	16787		
(b)			8393.5		16787.5		
(c)				12590.5	16788	22267.5	25100
W18	4197	6295.5	8394	12591	16788.5	22268	
(a)				12591.5	16789		
(b)			8394.5		16789.5		
(c)				12592			

[In kilohertz]

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W19	4197.5	6296.2	8395	12592.5	16790	22268.5	25100.5
(a)				12593	16790.5	22269	
(b)			8395.5		16791		
(c)				12593.5	16791.5		
W20	4198	6297	8396	12594	16792	22269.5	25101
(a)				12594.5	16792.5	22270	
(b)			8396.5		16793		
(c)				12595	16793.5		
W 21	4198.5	6297.7	8397	12595.5	16794	22270.5	25101.5
(a)				12596	16794.5	22271	
(b)			8397.5		16795		
(c)				12596.5	16795.5		
W 22	4199	6298.5	8398	12597	16796	22271.5	25102
(a)				12597.5	16796.5	22272	
(b)			8398.5		16797		
(c)				12598	16797.5		
W 23	4199.5	6299.2	8399	12598.5	16798	22272.5	25102.5
(a)				12599	16798.5	22273	
(b)			8399.5		16799		
(c)				12599.5	16799.5		
W 24	4200	6300	8400	12600	16800	22273.5	25103
(a)				12600.5	16800.5	22274	
(b)			8400.5		16801		
(c)				12601	16801.5		
W 25	4200.5	6300.7	8401	12601.5	16802	22274.5	25103.5
(a)				12602	16802.5	22275	
(b)			8401.5		16803		
(c)				12602.5	16803.5		
W 26	4201	6301.5	8402	12603	16804	22275.5	25104
(a)				12603.5	16804.5	22276	
(b)			8402.5		16805		
(c)				12604	16805.5		
W 27	4201.5	6302.2	8403	12604.5	16806	22276.5	25104.5
(a)				12605	16806.5	22277	
(b)			8403.5		16807		
(c)				12605.5	16807.5		
W 28	4202	6303	8404	12606	16808	22277.5	25105
(a)				12606.5	16808.5	22278	
(b)			8404.5		16809		
(c)				12607	16809.5		
W 29	4202.5	6303.7	8405	12607.5	16810	22278.5	25105.5
(a)				12608	16810.5	22279	
(b)			8405.5		16811		
(c)				12608.5	16811.5		
W 30	4203	6304.5	8406	12609	16812	22279.5	25106
(a)				12609.5	16812.5	22280	
(b)			8406.5		16813		
(c)				12610	16813.5		
W 31	4203.5	6305.2	8407	12610.5	16814	22280.5	25106.5
(a)				12611	16814.5	22281	
(b)			8407.5		16815		
(c)				12611.5	16815.5		
W 32	4204	6306	8408	12612	16816	22281.5	15207
(a)				12612.5	16816.5	22282	
(b)			8408.5		16817		
(c)				12613	16817.5		
W 33	4204.5	6306.7	8409	12613.5	16818	22282.5	25107.5
(a)				12614	16818.5	22283	
(b)			8409.5		16819		
(c)				12614.5	16819.5		
W 34	4205	6307.5	8410	12615	16820	22283.5	25108
(a)				12615.5	16820.5	22284	
(b)			8410.5		16821		
(c)				12616	16821.5		
W 35	4205.5	6308.2	8411	12616.5	16822	22284.5	25108.5
(a)				12617	16822.5	22285	
(b)			8411.5		16823		
(c)				12617.5	16823.5		
W 36	4206	6309	8412	12618	16824	22285.5	25091.5
(a)				12618.5	16824.5	22286	
(b)			8412.5		16825		
(c)				12619	16825.5		
W 37	4206.5	6309.7	8413	12619.5	16826	22286.5	25092
(a)				12620	16826.5	22297	
(b)			8413.5		16827		
(c)				12620.5	16827.5		
W 38	4207	6310.5	8414	12621	16828	22297.5	25092.5
(a)				12621.5	16828.5	22298	
(b)			8414.5		16829		
(c)				12622	16829.5		
W 39	4207.5	6311.2	8415	12622.5	16830	22298.5	25093
(a)				12623	16830.5	22299	
(b)			8415.5		16831		
(c)				12623.5	16831.5		
W 40	4208	6312	8416	12624	16832	22299.5	25093.5
(a)				12624.5	16832.5	22300	
(b)			8416.5		16833		
(c)				12625	16833.5		

[In kilohertz]

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W 41	4208.5	6312.7	8417	12625.5	16834	22300.5	25094
(a)				12626	16834.5	22301	
(b)			8417.5		16835		
(c)				12626.5	16835.5		
W 42	4209	6313.5	8418	12627	16836	22301.5	25094.5
(a)				12627.5	16836.5	22302	
(b)			8418.5		16837		
(c)				12628	16837.5		
W 43	4209.5	6314.2	8419	12628.5	16838	22302.5	25095
(a)				12629	16838.5	22303	
(b)			8419.5		16839		
(c)				12629.5	16839.5		
W 44	4210	6315	8420	12630	16840	22303.5	25095.5
(a)				12630.5	16840.5	22304	
(b)			8420.5		16841		
(c)				12631	16841.5		
W 45	4210.5	6315.7	8421	12631.5	16842	22304.5	25096
(a)				12632	16842.5	22305	
(b)			8421.5		16843		
(c)				12632.5	16843.5		
W 46	4211	6316.5	8422	12633	16844	22305.5	25096.5
(a)				12633.5	16844.5	22306	
(b)			8422.5		16845		
(c)				12634	16845.5		
W 47	4211.5	6317.2	8423	12634.5	16846	22306.5	25097
(a)				12635	16846.5	22307	
(b)			8423.5		16847		
(c)				12635.5	16847.5		
W 48	4212	6318	8424	12636	16848	22307.5	25097.5
(a)				12636.5	16848.5	22308	
(b)			8424.5		16849		
(c)				12637	16849.5		
W 49	4212.5	6318.7	8425	12637.5	16850	22308.5	25098
(a)				12638	16850.5	22309	
(b)			8425.5		16851		
(c)				12638.5	16851.5		
W 50	4213	6319.5	8426	12639	16852	22250.5	25098.5
(a)				12639.5	16852.5	22251	
(b)			8426.5		16853		
(c)				12640	16853.5		
W 51	4213.5	6320.2	8427	12640.5	16854	22251.5	25099
(a)				12641	16854.5	22252	
(b)			8427.5		16855		
(c)				12641.5	16855.5		
W 52	4214	6321	8428	12642	16856	22252.5	25099.5
(a)				12642.5	16856.5	22253	
(b)			8428.5		16857		
(c)				12643	16857.5		
W 53	4214.5	6321.7	8429	12643.5	* 16858	22253.5	25100
(a)				12644		22254	
(b)			8429.5				
(c)				12644.5	16719		
W 54	4215	6322.5	8430	12645	16707	22254.5	25100.5
(a)				12645.5	16707.5	22255	
(b)			8430.5	12530	16708		
(c)				12646	16708.5		
W 55	4215.5	6323.2	8431	12646.5	16709	22255.5	25101
(a)				12647	16709.5	22256	
(b)			8431.5	12530.5	16710		
(c)				12647.5	16710.5		
W 56	4216	6324	8432	12648	16711	22256.5	25101.5
(a)				12648.5	16711.5	22257	
(b)			8432.5	12531	16712		
(c)				12649	16712.5		
W 57	4216.5	6324.7	8433	12649.5	16713	22257.5	25102
(a)				12650	16713.5	22258	
(b)			8433.5	12531.5	16714		
(c)				12650.5	16714.5		
W 58	4217		8434	* 12651	16715	22258.5	25102.5
(a)				12532	16715.5	22259	
(b)			8434.5	12532.5	16716		
					16716.5		
W 59	4217.5		* 8435	12528	16717	22259.5	25103
W 60	4218		8358.5	12528.5	16717.5	22260	25103.5
W 61	4218.5		8359	12529	16718	22260.5	25104
W 62	* 4219		8359.5	12529.5	16718.5	22261	25104.5

12. The present text of § 83.320 is redesignated § 83.336 and a new § 83.320 is adopted to read as follows:

§ 83.320 Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—paired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—paired with coast station frequencies, for use in the bands between 4 and 23 MHz are set forth in paragraph (d), below. The use of these frequencies is subject to the applicable provisions of Subpart E of this Part and to Sections 83.329 and 83.330.

(b) The transition by ship stations from the narrow-band direct-printing working frequencies set forth in Section 83.336 (N1 through N10) to the NB–DP working frequencies set forth in this section (R1 through R69) shall be effected in an orderly manner and shall commence June 1, 1977 and be completed on or before June 30, 1977. During the interim period prior to July 1, 1977, the old frequencies set forth in Section 83.336 will be available until July 1, 1977, and the new frequencies set forth in this section will be available com-

mencing June 1, 1977. Effective July 1, 1977, Section 83.336 is deleted.

(c) The frequencies set forth in paragraph (d), below, are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing. The ship station shall transmit to a coast station on the frequencies which are paired with the Series No. used by the coast station for transmission.

(d) The frequencies set forth in the following table are available for communication by radioteleprinter with coast stations when used in accordance with the technical criteria set forth in § 83.143 and other sections of Subpart E of this part.

[In kilohertz]

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	4350	4170.5	6494.5	6256.5	8705	8344
R2	4350.5	4171	6495	6257	8705.5	8344.5
R3	4351	4171.5	6495.5	6257.5	8706	8345
R4	4351.5	4172	6496	6258	8706.5	8345.5
R5	4352	4172.5	6496.5	6258.5	8707	8346
R6	4352.5	4173	6497	6259	8707.5	8346.5
R7	4353	4173.5	6497.5	6259.5	8708	8347
R8	4353.5	4174	6498	6260	8708.5	8347.5
R9	4354	4174.5	6498.5	6260.5	8709	8348
R10	4354.5	4175	6499	6261	8709.5	8348.5
R11	4355	4175.5	6499.5	6261.5	8710	8349
R12	4355.5	4176	6500	6262	8710.5	8349.5
R13	4356	4176.5	6500.5	6262.5	8711	8350
R14	4356.5	4177	6501	6263	8711.5	8350.5
R15			6501.5	6263.5	8712	8351
R16			6502	6264	8712.5	8351.5
R17			6502.5	6264.5	8713	8352
R18			6503	6265	8713.5	8352.5
R19			6503.5	6265.5	8714	8353
R20			6504	6266	8714.5	8353.5
R21			6504.5	6266.5	8715	8354
R22			6505	6267	8715.5	8,54.5
R23			6505.5	6267.5	8716	8355
R24					8716.5	8355.5
R25					8717	8356
R26					8717.5	8356.5
R27					8718	8357

Series number	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	13071.5	12491.5	17197.5	16660.5	22561.5	22192.5
R2	13072	12492	17198	16661	22562	22193
R3	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
R4	13073	12493	17199	16662	22563	22194
R5	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
R6	13074	12494	17200	16663	22564	22195
R7	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
R8	13075	12495	17201	16664	22565	22196
R9	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
R10	13076	12496	17202	16665	22566	22197
R11	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
R12	13077	12497	17203	16666	22567	22198
R13	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
R14	13078	12498	17204	16667	22568	22199
R15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
R16	13079	12499	17205	16668	22569	22200
R17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
R18	13080	12500	17206	16669	22570	22201
R19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
R20	13081	12501	17207	16670	22571	22202
R21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
R22	13082	12502	17208	16671	22572	22203
R23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
R24	13083	12503	17209	16672	22573	22204
R25	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
R26	13084	12504	17210	16673	22574	22205
R27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
R28	13085	12505	17211	16674	22575	22206
R29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
R30	13086.5	12506	17212	16675	22576	22207
R31	13086.5	12506.5	17212.5	16675.5	22576.5	22027.5
R32	13087	12507	17213	16676	22577	22208
R33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
R34	13088	12508	17214	16677	22578	22209
R35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
R36	13089	12509	17215	16678	22579	22210
R37	13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
R38	13090	12510	17216	16679	22580	22211
R39	13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
R40	13091	12511	17217	16680	22581	22212
R41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
R42	13092	12512	17218	16681	22582	22213
R43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
R44	13093	12513	17219	16682	22583	22214
R45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
R46	13094	12514	17220	16683	22584	22215
R47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
R48	13095	12515	17221	16684	22585	22216
R49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5

Series number	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R50	13096	12516	17222	16685	22586	22217
R51	13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
R52	13097	12517	17223	16686	22587	22218
R53	13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
R54	13098	12518	17224	16687	22588	22219
R55	13098.5	12518.5	17224.5	16687.5	22588.5	22219.5
R56	13099	12519	17225	16688	22589	22220
R57	13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
R58			17226	16689	22590	22221
R59			16226.5	16689.5	22590.5	22221.5
R60			17227	16690	22591	22222
R61			17227.5	16690.5	22591.5	22222.5
R62			17228	16691	22592	22223
R63			17228.5	16691.5	22592.5	22223.5
R64			17229	16692	22593	22224
R65			17229.5	16692.5	22593.5	22224.5
R66			17230	16693	22594	22225
R67			17230.5	16693.5	22594.5	22225.5
R68			17231	16694		
R69			17231.5	16694.5		

13. The present text of Section 83.321 is redesignated Section 83.337 and a new § 83.321 is adopted to read as follows:

§ 83.321 Working frequencies—narrow-band direct-printing telegraph and data transmission systems—nonpaired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—non-paired with coast station frequencies, for use in the bands between 4 and 25.5 MHz are set forth in paragraph (b), below. The frequencies are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing and are subject to the applicable provisions of Subpart E of this Part and to Sections 83.329 and 83.330.

(b) Narrow-band direct-printing—nonpaired

	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
P1	4177.5	6268	8297.6	12520	16695	22226	25076.3
P2	4178	6268.5	8298.1	12520.5	16695.5	22226.5	25076.8
P3	4178.5	6269	8298.6	12521	16696		25077.3
P4	4179	6269.5	8299.1	12521.5	16696.5		25077.8
P5	4179.5		8299.6	12522	16697		25078.3
P6			8357.5	12522.5	16697.5		25078.8
P7				12523	16698		25079.3
P8				12522.5	16698.5		25079.8
P9				12524	16699		25080.3
P10				12524.5	16699.5		25080.8
P11				12525	16700		25081.3
P12				12525.5	16700.5		25081.8
P13				12526	16701		25 82.3
P14				12526.5	16701.5		25082.8
P15					16702		25083.3
P16					16702.5		25083.8
P17					16703		25084.3
P18					16703.5		25084.8
P19					16704		25085.3
P20					16704.5		25085.8
P21					16705		25086.3
P22					16705.5		25086.8
P23							25087.3
P24							25087.8
P25							25088.3
P26							25088.8
P27							25089.3
P28							25089.8

(c) The frequencies set forth in paragraph (b) of this section are available for use by ship stations effective July 16, 1977.

14. In § 83.324, paragraph (d) is deleted and designated "reserved"; and paragraph (e) is amended to read as follows:

§ 83.324 Frequencies for working.

* * * * *

(d) [Reserved]

(e) Working frequencies in the band 2 to 27.5 MHz are listed in Section 83.319. Frequencies in the band 2065–2107 kHz are not available for assignment to aircraft.

* * * * *

15. The present text of § 83.328 is redesignated § 83.338 and a new § 83.328 is adopted to read as follows:

§ 83.328 A1 Morse radiotelegraph operating procedure.

(a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 485–515 kHz during each 500 kilohertz silence period, i.e., for three minutes twice an hour beginning at x h. 15 and x h. 45, Greenwich mean time.

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13A to the ITU Radio Regulations.

(c) Before transmitting a ship station shall take precautions to ensure that its emissions will not interfere with transmissions already in progress; if such interference is likely, the station shall await an appropriate break in the communications in progress. This requirement does not apply to stations where unattended operation is possible through automatic means on frequencies dedicated to narrow-band direct-printing.

(d) In order to reduce interference, ship stations shall, within the means at their disposal, endeavour to select for calling the band with the most favorable propagational characteristics for effecting reliable communication. In the absence of more precise data, a ship station shall, before making a call, listen for the signals of the station with which it desires to communicate. The strength and intelligibility of such signals are useful as a guide to propagational conditions and indicate which is the preferable band for calling.

(e) Method of calling. The call consists of:

(1) The call sign of the station called, not more than twice; the word "DE"; the call sign of the calling station, not more than twice; if useful, the frequency on which the called station should reply; and the letter "k".

(2) When the calling station has more than one radiotelegram to transmit to the station called, the service abbreviation followed by the figure giving the number of such telegrams (i.e., "QTC2"), should precede the letter "k".

(3) For normal calling, the call may be transmitted twice at an interval of not less than one minute; thereafter it shall not be repeated until after an interval of three minutes.

(4) A ship station calling a coast station in any of the frequency bands allocated to the maritime mobile service between 4 and 27.5 MHz shall use one of the frequencies set forth in Section 83.317.

(f) Method of reply. The reply to calls consists of: The call sign of the calling station, not more than twice; the word "DE"; and the call sign of the station called, once only.

(g) In addition to compliance with all applicable sections of this part, the operation of ship stations using radiotelegraphy shall comply with the applicable provisions of Article 39 of the ITU Radio Regulations.

16. The present text of § 83.329 is redesignated § 83.339 and a new Section 83.329 is adopted to read as follows:

§ 83.329 Calling by narrow-band direct-printing (NB–DP).

(a) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, ship stations employing narrow-band direct-printing (NB–DP) may, effective June 1, 1977, use the frequencies designated in Section 83.318 to call United States coast radiotelegraph stations.

(b) Where it is known that the coast station maintains a watch on other frequencies for ship station calls by NB–DP, the ship station should make its initial NB–DP call on those frequencies.

(c) Calls to a coast station or other ship station shall employ the following

format: Coast station identification number, repeated twice; "DE", sent once; and ship station selective call number, repeated twice.

(d) When the coast station does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

17. The present text of § 83.330 is redesignated § 83.340 and a new Section 83.330 is adopted to read as follows:

§ 83.330 Narrow-band direct-printing (NB–DP) operating procedure.

(a) The procedures set forth in this section shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB–DP) radiotelegraphy with a coast radio-telegraph station or with other ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communciation between two stations, the ARQ mode should be used when available.

(3) For transmissions from one coast station or ship station to two or more other stations, the forward-error-correcting mode should be used when available.

(4) Information regarding the services provided by each station open to public correspondence is indicated in the List of Coast Stations and in the List of Ship Stations, together with information on charging.

(b) Calls to coast stations shall normally be made by radioteleprinter on the NB–DP frequencies on which the coast station maintains a watch.

(1) The transmit frequencies and frequencies on which coast stations maintain a watch are indicated in the List of Coast Stations.

(2) When using (paired) frequencies set forth in § 83.320, the ship station shall employ the ship station frequencies paired with the frequencies in use by the coast station, that is, when the coast station employs, for example, Series No. 1, the ship station shall also employ Series No. 1. Cross-band operation between a coast station on, for example, Series No. 1 and a ship station on, for example, Series No. 14 is prohibited.

(3) When using (non-paired) frequencies set forth in § 83.321, the coast station will transmit on one of the frequencies set forth in § 81.206. Special arrangements may be made between ship stations, or shipping companies, and coast stations for the use of specific frequencies.

(c) As an exception to the procedure specified in paragraph (b), above, under other than normal circumstances, ship stations may call coast stations on A1 Morse radiotelegraphy calling frequencies, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit.

(1) The routine use of A1 Morse radiotelegraph frequencies for the setting up of a NB–DP circuit with United States coast stations is not authorized: *Provided, however,* That A1 Morse radiotelegraph frequencies may be used by a ship station to set up a NB–DP circuit when efforts to establish the circuit on NB–DP frequencies has proven unsuccessful.

(d) In calling the coast station by NB–DP, the ship station shall use the coast station identification number (4 digits) and effect self-identification by the use of the ship station selective call number (5 digits).

(e) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the ship station shall indicate by the following procedure, prior to transmission of the message preamble, which of two modes are to be used in the exchange of traffic:

(1) Conversational mode, where the stations concerned are connected directly either automatically or under manual control; or

(2) Store-and-forward mode, where traffic is stored at the coast station until the circuit to the called station can be set up, either automatically or under manual control.

(3) When the conversational mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one line feed; "DIRTLX"; telex destination code (2 or 3 numbers). (See CCITT, Geneva 1972, Annex to Recommendation F69.); the land subscribers telex number; and "+", indicating end of sequence.

(4) When the store-and-forward mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one line feed; "TLX"; telex destination code (2 or 3 numbers. (See CCITT, Geneva 1972, Annex to Resolution F69.).; the land subscribers telex number; and "+", indicating end of sequence.

(f) Following completion of the procedure set forth in subparagraphs (e) (3) or (e) (4), above, the message preamble shall be transmitted as follows: Serial number or number of the message; the name of the office of origin; the number of words; the date of handing in of the message; the time of handing in of the message; and any service instructions. (See CCITT, Geneva 1972, section 6 of the General provisions applying to all methods of working).

(g) Upon completion of transmission of the preamble, the address, text and signature shall be transmitted as received from the sender.

(h) Upon completion of transmission of the signature, the transmitting station shall, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(i) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(j) The provisions of paragraphs (f) through (i) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee is employed.

18. Section 83.332, formerly designated 83.315, is added to read as follows:

§ 83.332 Authorized frequencies.[1]

(a) The tables in §§ 83.316, 83.333, 83.334, 83.335, 83.336, and 83.337, indicate the carrier frequencies, except for § 83.336 which indicates assigned frequencies, which when authorized by station licensee, may be used by ship stations employing radiotelegraphy for communications with ship or coast stations (public or limited). The assigned frequencies of § 83.336 are midway between the minimum and maximum values of instantaneous frequency.

(b) Frequencies in the bands between 2 and 26 MHz assigned in accordance with this section to a station or a particular vessel, may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee.

(c) Frequencies available for assignment in the bands between 2 and 23 MHz are designated in the ship radiotelegraph frequency plan appearing in Table 2 of § 83.337. Table 2 of § 83.337 provides appropriate cross-reference, by symbol, to the applicable table and, in turn, to a specific series of frequencies:

(1) Table 1a, § 83.333—High traffic ship radiotelegraph working frequencies.

(2) Table 1b, § 83.334—Ship radiotelegraph calling frequencies.

(3) Table 1c, § 83.335—Low traffic ship radiotelegraph working frequencies.

(4) Table 1d, § 83.336—Ship radiotelegraph working frequencies—narrow-band direct printing telegraph and data transmission systems.

(d) The frequencies 4186.5, 6279.7, 8373, 12559.5, 16746, and 22262.5 kHz are special ship station calling frequencies and shall be used only for calling those coast stations which maintain, during their hours of service, a continuous watch on these frequencies. These special calling frequencies may be used by ship stations which have been authorized use of frequencies in accordance with § 83.334.

19. Section 83.333, formerly designated 83.317, is added to read as follows:

§ 83.333 High traffic ship radiotelegraph working frequencies.[1]

(a) High traffic ship radio telegraph working frequencies in the bands between 4 and 23 MHz are set forth in Table 1a. Application may be made for two high traffic ship working frequency column symbols from the "H" series, which includes one or more frequencies in each of the 4, 6, 8, 12, 16, and 22 MHz bands. If more than two symbols of the "H" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies (see § 83.334), except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

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[1] This section will continue in force until but not beyond June 1, 1977.

(b) TABLE 1A—*High Traffic Ship Radiotelegraph Working Frequencies*

[In kilohertz]

Symbol	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
H1	4172.5	6258.75	8342, 8343, 8344, 8345	12505.5, 12513, 12514.5, 12516, 12517.5	16662, 16674, 16684, 16686, 16688, 16690	22189, 22215
H2	4173.5	6260.25	8342, 8343, 8344, 8347	12505.5, 12513, 12514.5, 12516, 12520.5	16662, 16674, 16684, 16686, 16688, 16694	22191, 22219
H3	4174	6261	8342, 8343, 8344, 8348	12511.5, 12513, 12514.5, 12516, 12522	16666, 16682, 16684, 16686, 16688, 16696	22195, 22219
H4	4175	6262.5	8342, 8343, 8344, 8350	12504, 12513, 12514.5, 12516, 12525	16670, 16672, 16684, 16686, 16688, 16700	22197, 22209
H5	4175.5	6263.25	8342, 8343, 8344, 8351	12507, 12513, 12514.5, 12516, 12526.5	16668, 16676, 16684, 16686, 16688, 16702	22201, 22213
H6	4176.5	6264.75	8342, 8343, 8344, 8353	12505.5, 12513, 12514.5, 12516, 12529.5	16662, 16674, 16684, 16686, 16688, 16706	22215, 22187
H7	4177	6265.5	8342, 8343, 8344, 8354	12510, 12513, 12514.5, 12516, 12531	16664, 16680, 16684, 16686, 16688, 16708	22207, 22193
H8	4177.5	6266.25	8342, 8343, 8344, 8355	12511.5, 12513, 12514.5, 12516, 12532.5	16666, 16682, 16684, 16686, 16688, 16710	22213, 22190
H9	4173	6259.5	8342, 8343, 8344, 8346	12504, 12513, 12514.5, 12516, 12519	16670, 16672, 16684, 16686, 16688, 16692	22221, 22205
H10	4174.5	6261.75	8342, 8343, 8344, 8349	12507, 12513, 12514.5, 12516, 12523.5	16668, 16676, 16684, 16686, 16688, 16698	22221, 22211
H11	4176	6264	8342, 8343, 8344, 8352	12508.5, 12513, 12514.5, 12516, 12528	16662, 16678, 16684, 16686, 16688, 16704	22203, 22217

20. Sections 83.334 and 83.335, formerly designated 83.318 and 83.319, respectively, are added to read as follows:

§ 83.334 Ship radiotelegraph calling frequencies.[3]

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 23 MHz are set forth in Table 1b. Application may be made for one calling frequency column symbol from the "C" series, which includes one frequency in each of the 4, 6, 8, 12, 16, and 22 MHz bands. One 2 MHz calling frequency is also included in frequency column symbols "C2B" through "C7B". If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

(b) TABLE 1B—*Ship radiotelegraph calling frequencies*

[In kilohertz]

Symbol	2 MHz	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
C1	-------	4178.5	6267.75	8357	12535.5	16714	22225
C2A	-------	4179	6268.5	8358	12537	16716	22230
B	2089.75	4179.5	6269.25	8359	12538.5	16718	22227.5
C3A	2090	4180	6279	8360	12540	16720	22235
B	2090.25	4180.5	6270.75	8361	12541.5	16722	22232.5
C4A	2090.5	4181	6271.5	8362	12543	16724	22240
B	2090.75	4181.5	6273.25	8363	12544.5	16726	22237.5
C5A	2091	4182	6273	[1] 8364	12546	16728	22245
B	2091.25	4182.5	6273.75	8365	12547.5	16730	22242.5
C6A	2091.5	4183	6274.5	8366	12549	16732	22250
B	2091.75	4183.5	6275.25	8367	12550.5	16734	22247.5
C7A	2092	4184	6276	8368	12552	16736	22255
B	2092.25	4184.5	6276.75	8369	12553.5	16738	22252.5
C8A	-------	4185	6277.5	8370	12555	16740	22260
B	-------	4185.5	6278.25	8371	12556.5	16742	22257.5
C9	-------	4186	6279	8372	12558	16744	22265
C8	-------	4186.5	6279.75	8 73	12559.5	16746	2226..5

[1] May be used by ship stations only to establish communications relating to the safety of life.

(c) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12559.5, 16746.0, and 22262.5 kHz.

(2) Transmission on the frequencies set forth in paragraph (c)(1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. Ship station working frequencies for radioteleprinter are set forth in § 83.320 of this part. The frequencies set forth in paragraph (c)(1) shall not be employed for working.

(3) Unless other arrangements have been made with concerned coast stations, the ship station expecting calls by radioteleprinter should maintain a receiver on the frequency or frequencies, set forth in paragraph (c)(1), most likely to be usable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in subpart E of this part.

(5) Since ship stations and coast radiotelegraph stations will share use of the frequencies set forth in paragraph (c)(1), station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WYY WYY WYY DE WXXX WXXX WXXX".

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

(7) The higher frequency of the transmitted signal shall correspond to "space" (start) and the lower frequency of the transmitted signal shall correspond to "mark" (stop).

(8) The radioteleprinter equipment shall operate at a modulation rate of 50 bands.

§ 83.335 Low traffic ship radiotelegraph working frequencies.[3]

(a) Low traffic ship radiotelegraph working frequencies are set forth in Table 1c. Application may be made for one low traffic working frequency column symbol form the "L" series, which includes two frequencies from the 4, 6, 8, 12, 16, and 22 MHz bands. A primary frequency to be used for working each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "L" series is allocated for a particular licensee, the frequency column symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.334), otherwise either "A" or "B" may be applied for.

[3] This section will continue in force until but not beyond June 1, 1977.

(b) TABLE 1C.—*Low traffic ship working frequencies*[1]

[Kilohertz]

Symbol	4 MHz		6 MHz		8 MHz		12 MHz		16 MHz		22 MHz	
	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"
L1	4188	4212.5	6282	6318.75	8376	8425	12564	12634.5	16752	16850	22272.5	22335
L2	4188.5	4213	6282.75	6319.5	8377	8426	12565.5	12639	16754	16852	22272.5	22335
L3	4189	4213.5	6283.5	6320.25	8378	8427	12567	12640.5	16756	16854	22275	22337.5
L4	4189.5	4214	6284.25	6321	8379	8428	12568.5	12642	16758	16856	22275	22337.5
L5	4190	4214.5	6285	6321.25	8380	8429	12570	12643.5	16760	16858	22277.5	22340
L6	4190.5	4215	6285.75	6322.5	8381	8430	12571.5	12645	16762	16860	22277.5	22340
L7	4191	4215.5	6286.5	6323.25	8382	8431	12573	12646.5	16764	16862	22280	22342.5
L8	4191.5	4216	6287.25	6324	8383	8432	12574.5	12648	16766	16864	22280	22342.5
L9	4192	4216.5	6288	6324.75	8384	8433	12576	12649.5	16768	16866	22282.5	22345
L10	4192.5	4217	6288.75	6325.5	8385	8434	12577.5	12651	16770	16868	22282.5	22345
L11	4193	4217.5	6289.5	6326.25	8386	8435	12579	12652.5	16772	16870	22285	22347.5
L12	4193.5	4218	6290.25	6327	8387	8436	12580.5	12654	16774	16872	22285	22347.5
L13	4194	4218.5	6291	6327.75	8388	8437	12582	12655.5	16776	16874	22287.5	22350
L14	4194.5	4219	6291.75	6328.5	8389	8438	12583.5	12657	16778	16876	22287.5	22350
L15	4195	4219.5	6292.5	6329.25	8390	8439	12585	12658.5	16780	16878	22290	22352.5
L16	4195.5	4220	6293.25	6330	8391	8440	12586.5	12660	16782	16880	22290	22352.5
L17	4196	4220.5	6294	6330.75	8392	8441	12588	12661.5	16784	16882	22292.5	22355
L18	4196.5	4221	6294.75	6331.5	8393	8442	12589.5	12663	16786	16884	22292.5	22355
L19	4197	4221.5	6295.5	6332.25	8394	8443	12591	12664.5	16788	16886	22295	22357.5
L20	4197.5	4222	6296.25	6333	8395	8444	12592.5	12666	16790	16888	22295	22357.5
L21	4198	4222.5	6297	6333.75	8396	8445	12594	12667.5	16792	16890	22297.5	22360
L22	4198.5	4223	6297.75	6334.5	8397	8446	12595.5	12669	16794	16892	22297.5	22360
L23	4199	4223.5	6298.5	6335.25	8398	8447	12597	12670.5	16796	16894	22300	22362.5
L24	4199.5	4224	6299.25	6336	8399	8448	12598.5	12672	16798	16896	22300	22362.5
L25	4200	4224.5	6300	6336.75	8400	8449	12600	12673.5	16800	16898	22302.5	22365
L26	4200.5	4225	6300.75	6337.5	8401	8450	12601.5	12675	16802	16900	22302.5	22365
L27	4201	4225.5	6301.5	6338.25	8402	8451	12603	12676.5	16804	16902	22305	22367.5
L28	4201.5	4226	6302.25	6339	8403	8452	12604.5	12678	16806	16904	22305	22367.5
L29	4202	4226.5	6303	6339.75	8404	8453	12606	12679.5	16808	16906	22307.5	22370
L30	4202.5	4227	6303.75	6340.5	8405	8454	12607.5	12681	16810	16908	22307.5	22370
L31	4203	4227.5	6304.5	6341.25	8406	8455	12609	12682.5	16812	16910	22310	22372.5
L32	4203.5	4228	6305.25	6342	8407	8456	12610.5	12684	16814	16912	22310	22372.5
L33	4204	4228.5	6306	6342.75	8408	8457	12612	12685.5	16816	16914	22312.5	22375
L34	4204.5	4229	6306.75	6343.5	8409	8458	12613.5	12687	16818	16916	22312.5	22375
L35	4205	4208.5	6307.5	6312.75	8410	8417	12615	12625.5	16820	16834	22315	22327.5
L36	4205.5	4209	6308.25	6313.5	8411	8418	12616.5	12627	16822	16836	22315	22327.5
L37	4206	4209.5	6309	6314.25	8412	8419	12618	12628.5	16824	16838	22317.5	22330
L38	4206.5	4210	6309.75	6315	8413	8420	12619.5	12630	16826	16840	22317.5	22330
L39	4207	4210.5	6310.5	6315.75	8414	8421	12621	12631.5	16828	16842	22320	22332.5
L40	4207.5	4211	6311.25	6316.5	8415	8422	12622.5	12633	16830	16844	22320	22332.5
L41	4208	4211.5	6312	6317.25	8416	8423	12624	12634.5	16832	16846	22270	22335
L42	4187.5	4212	6281.25	6318	8375	8424	12562.5	12636	16750	16848	22270	22335
L43	4188	4212.5	6282	6318.75	8376	8425	12564	12637.5	16752	16850	22272.5	22337.5
L44	4188.5	4213	6282.75	6319.5	8377	8426	12565.5	12639	16754	16852	22272.5	22337.5
L45	4189	4213.5	6283.5	6320.25	8378	8427	12567	12640.5	16756	16854	22275	22340
L46	4189.5	4214	6284.25	6321	8379	8428	12568.5	12642	16758	16856	22275	22340
L47	4190	4214.5	6285	6321.75	8380	8429	12570	12643.5	16760	16858	22277.5	22342.5
L48	4190.5	4215	6285.75	6322.5	8381	8430	12571.5	12645	16762	16860	22277.5	22342.5
L49	4191	4215.5	6286.5	6323.25	8382	8431	12573	12646.5	16764	16862	22280	22345

[1] The frequency symbols are suffixed by the letters "A" or "B" to indicate the primary working frequency in each band. [See §§ 83.324(e) and 83.319(a).]

21. Sections 83.336 and 83.337, formerly designated 83.320 and 83.321, respectively, are added to read as follows:

§ 83.336 Ship radiotelegraph working frequencies — narrow-band direct-printing telegraph and data transmission systems.[1]

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems in the bands between 4 and 23 MHz are set forth in Table 1d. Application may be made for one narrow-band direct-printing frequency column symbol from the "N" series, which includes one frequency in the 4 MHz band and two frequencies in each of the 6, 8, 12, 16, and 22 MHz bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "N" series is allocated for a particular licensee, the frequency symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.318), otherwise either "A" or "B" may be applied for.

[1] This section will continue in force until but not beyond June 1, 1977.

(b) TABLE 1D.—*Ship radiotelegraph working frequencies—narrow band direct printing telegraph and data transmission systems*

[Kilohertz]

Symbol	4 MHz [1]	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
N1A	4160.5	6248.5	8332	12484	16641	22165
B	4166.5	6253.5	8337	12494	16651	22175
N2A	4167	6249	8332.5	12485	16642	22166
B	4167	6254	8337.5	12495	16652	22176
N3A	4167.5	6249.5	83 3	12486	16643	22167
B	4167.5	6254.5	8338	12496	16653	22177
N4A	4168	6250	8333.5	12487	16644	22168
B	4168	6255	8338.5	12497	16654	22178
N5A	4168.5	6250.5	8334	12488	16645	22169
B	4168.5	6255.5	8339	12498	16655	22179
N6A	4169	6251	8334.5	12489	16646	22170
B	4169	6256	8339.5	12499	16656	22180
N7A	4169.5	6251.5	8335	12490	16647	22171
B	4169.5	6256.5	8340	12500	16657	22181
N8A	4170	6252	8335.5	12491	16648	22172
B	4170	6257	8340.5	12501	16658	22182
N9A	4170.5	6252.5	8336	12492	16649	22173
B	4170.5	6257.5	8341	12502	16659	22183
N10A	4171	6253	8336.5	12493	16650	22174
B	4171	6258	8341.5	12503	16660	22184

[1] In addition, 4171.5 and 4172 kHz are available for use when frequency column symbols N1 through N10 are assigned.

§ 83.337 Ship radiotelegraph frequency plan.[1]

(a) The ship radiotelegraph frequency plan for the band between 2 and 23 MHz is set forth in Table 2. Applicants other than the companies listed in Table 2 must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5, or C8, H2, and H11 for a high traffic ship, or C1, C5, or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Muncey; E. F. Murphy, Alfred Abrams, et al.

(b) TABLE 2.—*Ship radiotelegraph frequency plan*

[For columns of frequencies designated by these symbols, see sec. 83.332]

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols	Narrow-band direct-printing working frequency column symbols
RCA Communications, Inc.	C3, C5, C7, C9	H1, H3, H5, H7, H9.	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.	N1, N3, N5, N7.
ITT World Communications, Inc.	C2, C4, C5, C6	H4, H6, H8, H10	L2, L6, L8, L10, L14, L16, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.	N4, N6, N8.
Tropical Radio Telegraph Co.	C1, C5, C8	H2, H11	L4	N2, N9.
Matson Navigation Co	do	do	L12	N10.
Other applicants:				
A–C	do	do	L22	Do.
D–L	do	do	L26	Do.
M	do	do	L30	Do.
N–R	do	do	L38	Do.
S	do	do	L44	Do.
T–Z	do	do	L46	Do.

APPENDIX 2

(Refer to paragraph 18 of the instant Notice of Proposed Rule Making)

Effective May 31, 1977, the following type transmitters are not available for use for radiotelegraphy in a ship station:

(1) As a transmitter to be installed initially aboard a new ship; or

(2) As a transmitter to be installed to replace an existing transmitter.

[1] This section will continue in force until but not beyond June 1, 1977

Manufacturer	Basic type	Remarks
ITT Mackay Marine Division, Mackay Radio & Telegraph Co.	156	(1)
	167	
	2003	
	2006	
	2013	
RCA Corp.	ET-8019	(1)
	ET-8023	
	ET-8039	
	ET-8052	
	ET-8063	
	ET-8065	
Radiomarine Corp.	ET-8065	(1)
	CRM-T1A-1000	
	CRM-T1B-1000	
	CRM-T1C-1000	
Communications Associates.	CA-35	(2)

[1] A number of grants have been made for type acceptance of modifications of the basic transmitter. Each modification granted retained the basic identification number (for example 2013), but added suffix letters, or a combination of letters and numbers (for example, 2013AP, 2013AP1, 3013BP, 2013BP1, etc.). Withdrawal of authority, under the conditions specified above, is applicable to all transmitters the identification of which includes the basic type number listed. Such transmitters which were licensed and in use aboard ship prior to June 1, 1977, may continue to be used when modified to meet the frequency tolerance specified in sec. 83.131 and operate on the frequencies set out in secs. 83.317 and 83.319.

[2] This transmitter does not employ the harmonic relationship scheme; it meets the frequency tolerance requirements, will operate in all of the maritime mobile bands, but does not provide the required number of frequencies. A question has been raised as to whether full output power can be obtained on all of the calling and working frequencies.

APPENDIX 3

PROPOSED ASSIGNMENT OF A1 MORSE WORKING FREQUENCIES AND SELECTIVE CALLING NUMBERS

The attached 27 pages provide a listing of ship stations currently licensed by the Commission for the use of radiotelegraphy. Reading horizontally from left to right, the information in the first 6 columns has been taken from the ship station authorizations.

The coding listed under the column headed "Series No." (for example, "W1 W32") designates the A1 Morse Working frequencies proposed to be assigned to the respective vessels. The specific frequencies which correspond to the indicated coding are set forth in proposed section 83.319(d)(1) through 83.319(d)(6).

The number appearing opposite each vessel in the last column, headed "Ident. No.", is the selective calling number proposed to be assigned to the indicated vessel. These numbers will be used by ship stations fitted for the use of digital selective calling and/or narrow-band direct-printing radiotelegraphy. Upon finalization of the instant proceeding, the Commission will register these identification numbers, for the respective vessels, with the International Telecommunication Union as provided by the International Radio Regulations.

Licensees are requested: To inform the Commission of vessels which should be added to or deleted from the attached Appendix; of transmitter types in use aboard the respective vessels which differ from the listed transmitters; or of changes which should be made in other particulars deemed appropriate by the ship station licensee.

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Achilles	WJQT	Newport Tankers	2000A	2010A	2013D1F	W01 W32	10600
Adabelle Lykes	WLCP	Lykes Bros. S/S	2012B	2010A	MRU35A	W02 W33	10601
Adm. Wm. M. Callaghan	KGYE	American Export	2012A	2010A	2013AF	W04 W35	10602
Afoundria	KYFX	Litton Industries	2012D	2017A	2013E1F	W05 W36	10603
African Comet	KCMV	Farrell	2012A	2010A	2013AF	W06 W37	10604
African Crescent	KAAQ	do	2012D	2017A	2013E1F	W07 W38	10605
African Dawn	WLDF	do	2012A	2010A	2013AF	W08 W39	10606
African Lighting	KAEE	do	155B	140A	167A	W09 W40	10607
African Mercury	KCOJ	do	2012A	2010A	2013AF	W10 W41	10608
African Meteor	KCNX	do	2012A	2010A	2013AF	W11 W42	10609
African Neptune	KAFV	do	2012A	2010A	2013AF	W12 W43	10610
African Sun	KCOA	do	2012A	2010A	2013AF	W13 W44	10611
Aimee Lykes	WLKO	Lykes Bros. S/S	2012BP	2010A	MRU35A	W14 W45	10612
Alaminos	KBNA	A. & M. College of Texas	2012B	2010A	2013BF	W15 W46	10613
Alaska Mail	KAAV	Alaskan Mail Line	2012AP	2010A	2013APF	W16 W47	10614
Alaska Standard	WIDN	Standard Oil of California	2000A	2010A	2013D1F	W17 W48	10615
Alaskan	WTGO	Hendy International	ET 8051B	ET 8043	CRM T1B 1000MB	W18 W49	10616
Albany	KQYL	Ogden Marine	2012D	2017A	2013E1F	W19 W50	10617
Alcoa Seaprobe	WCGZ	Ocean Search Inc	2012A	2010A	MRU27A FM2	W21 W52	10618
Alex Stephens	WJEN	Waterman SS	2012A	2010A	2013BF	W22 W53	10619
Alexander Agassiz	KEYI	Regents of University of California	2012BP	2010A	2013BP	W23 W54	10620
Allison Lykes	KADK	Lykes Bros. S/S	2012BP	2010A	MRU35A	W24 W55	10621
Almeria Lykes	WDOU	do	2012A	2010A	MRU35A	W25 W56	10622
Alpha Helix	KLFK	Regents of University of California	2012AP	2010A	2013AP	W26 W57	10623
American Archer	KFCS	U.S. Lines	ET 8051	ET 8043	2013 C2F	W27 W58	10624
American Argosy	KFCX	do	ET 8051	ET 8043	2013 C2F	W28 W59	10625
American Astronaut	WZJG	do	ET 8051A	ET 8043	CRM T1A 1000M	W29 W60	10626
American Challenger	WMEP	do	ET 8051	ET 8043	ET 8065MB	W30 W61	10627
American Accord	KFEZ	do	2012B	2017B	2013D1F	W31 W62	10628
American Ace	KFCV	do	2012B	2017B	2013D1F	W01 W32	10629
American Alliance	KFEM	do	2012B	2017B	2013D1F	W02 W33	10630
American Apollo	KEOD	do	ET 8051B	ET 8043	ET 8063A	W04 W35	10631
American Aquarius	WYBI	do	ET 8051B	ET 8043	ET 8063A	W05 W36	10632
American Champion	WMEY	do	ET 8051	ET 8043	ET 8065MB	W06 W37	10633
American Charger	KQTR	do	ET 8051	ET 8043	ET 8065MB	W07 W38	10634
American Chieftain	WJNA	do	ET 8051	ET 8043	ET 8065MB	W08 W39	10635
American Condor	KSLE	American Condor S/S	2012D	2017A	2013E1F	W09 W40	10636
American Corsair	WIGE	U.S. Lines	ET 8051	ET 8043	ET 8065	W10 W41	10637
American Courier	WAXH	do	ET 8051	ET 8043	ET 8065M	W11 W42	10638
American Eagle	WMJG	American Eagle Tanker	2000A	2010A	2013D1F	W12 W43	10639
American Grain	KXUU	American Wheat Co	2012D	2017A	2013E1F	W13 W44	10640
American Lancer	WZJB	U.S. Lines	ET 8051A	ET 8043	CRM T1A 1000M	W14 W45	10641
American Lark	WZJF	do	ET 8051A	ET 8043	CRM T1A 1000M	W15 W46	10642
American Leader	KFEJ	do	2012B	2017B	2013D1F	W16 W47	10643
American Ledgend	KFEY	do	ET 8051	ET 8043	2013C MOD2F	W17 W48	10644
American Legacy	KFGJ	do	2012B	2017B	2013D1F	W18 W49	10645
American Legion	WZJC	do	ET 8015A	ET 8043	CRM T1A 1000M	W19 W50	10646
American Liberty	WZJD	do	ET 8051A	ET 8043	CRM T1A 1000M	W21 W52	10647
American Lynx	WZJE	do	ET 8051A	ET 8043	CRM T1A 1000M	W22 W53	10648
American Mail	KGXA	American Mail	2012AP	2010A	2013APF	W23 W54	10649
American Oriole	KEHY	American Foreign S/S	2012D	2017A	2013E1F	W24 W55	10650
American Racer	KNDF	U.S. lines	2012B	2010A	2013BF	W25 W56	10651
American Ranger	KNKW	do	2012B	2010A	2013B	W26 W57	10652
American Reliance	KNKX	do	2012B	2010A	2013BF	W27 W58	10653
American Rice	WKQM	American Rice S/S	2012D	2017A	2013E1F	W28 W59	10654
American Sun	WNEJ	Sun Oil	2012A	2010A	2013AF	W29 W60	10655
American Trader	KVKV	American T. & P	2012A	2010A	2013A	W30 W61	10656
American Wheat	WHTI	Freighters Inc	2012D	2017C	2013C1F	W31 W62	10657
Amoco Connecticut	KHSA	Amoco Shipping	2012C	2017A	2013A	W01 W32	10658
Amoco Deleware	KVXW	do	2012A	2017A	MRU33A	W02 W33	10659
Amoco New York	KVKH	do	2012C	2017A	2013A	W04 W35	10660
Amoco Virginia	KIXO	do	ET 8051	ET 8043	ET 8065M	W05 W36	10661
Anchorage	KXMJ	Sealand Service	2012A	2010A	MRU27A	W06 W37	10662
Andrew Jackson	KCQE	Waterman SS	2012D	2017A	2013E1F	W07 W38	10663
Aquadilla	KADP	Puerto Rico Maritime	2012AP	2010A	2013AF	W08 W39	10664
Arco Ancorage	WCIO	Arco Comm. Inc	ET 8051B	ET 8043A	CRM T1C 1000	W09 W40	10665
Arco Fairbanks	WQWB	do	ET 8051B	ET 8043A	CRM T1C 1000	W10 W41	10666
Arco Heritage	KAHA	do	ET 8051B	ET 8043	CRM T1A 1000M	W11 W42	10667
Arco Juneau	KSBG	do	ET 8051B	ET 8043A	CRM T1C 1000	W12 W43	10668
Arco Prudhoe Bay	KPFD	do	2012 MOD2	2017A	2013A/2F	W13 W44	10669
Arco Sag River	WLDF	do	2012A/2	2017A	2013A/2F	W14 W45	10670
Aricibo	KYVN	Puerto Rico Maritime	2012B	2010A	2006B	W15 W46	10671
Arizpa	KCQN	Litton Indistries	2012D	2017A	2013E1F	W16 W47	10672
Arthur Middleton	KFCJ	States SS	2012B	2017B	2013D1F	W17 W48	10673
Ashley Lykes	WBAE	Lykes Bros. SS	2012BP	2010A	MRU35A	W18 W49	10674
Atlantic Communicator	KFBN	Arco Comm. Inc	ET 8051	ET 8043	ET 8065C	W19 W50	10675
Atlantic Endeavor	KALD	do	ET 8051	ET 8043	ET 8065M	W21 W52	10676
Atlantic Enterprise	KALC	do	ET 8051	ET 8043	ET 8065M	W22 W53	10677
Atlantic Prestige	WLDU	do	ET 8051A	ET 8043	CRM T1A 1000M	W23 W54	10678
Atlantic Trader	KCSX	Hendy International	2012D	2017C	2013C1F	W24 W55	10679
Atlantis II	KADC	Woods Hole Oceanographic Institute	ET 8051	ET 8043	ET 8065	W25 W56	10680
Austin	KNFS	Trinidad Corp	2012C	2017A	CA35M5	W26 W57	10681
Austral Endurance	KIRF	Farrell Lines	2012A	2010A	2006B1	W27 W58	10682
Austral Ensign	WPGJ	do	2012A	2010A	2006B1	W28 W59	10683
Austral Entente	KIRH	do	2012A	2010A	2006B1	W29 W60	10684
Austral Envoy	WPGK	do	2012A	2010A	2006B1	W30 W61	10685
Austral Patriot	KNKY	do	2012B	2010A	2013BF	W31 W62	10686
Austral Pilgrim	KFEX	do	2012B	2017B	CA35MS	W01 W32	10687
Austral Pilot	KNKZ	do	2012B	2010A	2013BF	W02 W33	10688
Australia Bear	WEZT	Pacific Far East	2012A	2010A	MRU27A	W04 W35	10689
Avila	KAKL	Hendy International	2012B	2017A	2013D1F	W05 W36	10690
Azelea City	KOOJ	Sealand Service	2012D	2017A	2013E1F	W06 W37	10691
Bald Butte	WKIY	Chas Kurz & Co	ET 8051	ET 8043	ET 8065M	W07 W38	10692
Baltimore	WSIS	Sealand Service	2012A	2010A	MRU 27A	W07 W39	10693
Baltimore Trader	KASJ	American T. & P	2012A	2017A	2013AF	W08 W40	10694
Bar 265	KCUC	Brown & Root Inc			MR 150 0.5	W09 W41	10504
Bar 280	KCUP	do			MR 150 0.5	W10 W42	10505
Bar 297	KCUH	do			MR 150 0.5	W11 W43	10507
Bar 316	WJCN	do			MR 150 0.5	W12 W44	10513
Bar 323	KCUG	do			MR 150 0.5	W13 W45	10506
Bar 324	KCSG	do			MR 150 0.5	W14 W46	10501
Bar 331	WJCX	do			MR 150 0.5	W15 W47	10514
Barnacle	WVSK	F. B. Mossman			N551	W16 W48	10695
Bay State	WIEB	Department of Commerce	ET 8051C	ET 8043A	ET 8065C	W17 W49	10696
Beauregard	KCVU	Litton Industries	2012D	2017A	2013E1F	W18 W50	10697
Bethflor	KVUZ	Bethlehem Steel	ET 8051C	ET 8043A	CRM T1C 1000	W19 W51	10698

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Bienville	KOOC	Sealand Service	2012D	2017A	2013E1F	W21 W52	10699
Birch Couli	KLDJ	Petroleum Tankers	ET 8051	ET 8043	2013C MOD2F	W22 W53	10700
Blue Falcon	KNKS	Blue Falcon Inc	2010A			W23 W54	10701
Borinquen	KPCV	Puerto Rico Maritime	ET 8051A	ET 8043	CRM T1A 1000B	W24 W55	10702
Boston	WNDW	Sealand Service	2012A	2010A	2013A	W25 W56	10703
Bradford Island	KCZC	Cities Service Tankers	2012A	2010A	2013AF	W26 W57	10704
Brazos	KQYK	Sabine T. & T	ET 8051C	ET 8043A	ET 8 65C	W27 W58	10705
Brinton Lykes	WLAO	Lykes Bros. SS	2012BP	2010A	MRU35A	W28 W59	10706
Brooklyn	KGBD	Hudson Waterways	2012C	2017A	MR 33A	W29 W60	10707
Buckeye Pacific	KKTQ	Sealand Service	ET 8051CA	ET 8051CA	20 3B	W3 W61	10708
C. V. Lightning	KAFP	American Export Isbrandtsen	ET 8051A	ET 8043	CRM T1A 1000M	W31 W62	10709
C. V. Sea Witch	KAFO	do	ET 8051A	ET 8043	CRM T1A 1000M	W 1 W32	10710
C. V. Staghound	KAFQ	do	ET 8051A	ET 8043	CRM T1A 1000M	W 2 W33	10711
Cable	WVJB	Murphy Pacific Marine	2012B	2010A	2013BF	W 4 W35	10712
Californian	KPZK	Matson Navigation	2012D	2017A	2013E1F	W 5 W36	10713
Do	WHJI	United Vintners	2012B	2017B	2013BF	W 6 W37	10714
Canada Mail	WGNW	American Mail	2012BP	2010A	2013BPF	W 7 W38	10715
Cantigny	KDYC	International Ocean Transport	2012C	2017A	2013AP1F	W 8 W39	10716
Carbide Seadrift	KFTU	Union Carbide	ET 8051C	ET 8043A	ET 8 65C	W 9 W40	10717
Carbide Texas City	KFGF	do	ET 8051C	ET 8043A	ET 8 65C	W10 W41	10718
Carolina	KOCI	Puerto Rico Maritime	2 12AP	2 10A	2013A	W11 W42	10719
Carter Braxton	KFEB	Waterman SS	2012B	2012B	CA35MS	W12 W43	10720
Chancellorsville	KUCG	Keystone Shipping	2012D	2017A	2013E1F	W13 W44	10721
Charlestown	KPHS	Sealand Service	2012A	2010A	2013AF	W14 W45	10722
Charlotte Lykes	WLOW	Lykes Bros. SS	2012BP	2010A	MRU35A	W15 W46	10723
Chatham	KHRV	Waterman SS	ET 8024A	ET 8025	ET 8 23X	W16 W47	10724
Chelsea	KNCX	Keystone Shipping	2012C	2017A	2013A MOD2F	W17 W48	10725
Cherokee	KNCA	Santa Fe International			CA35MS	W18 W49	10511
Cherry Valley	WIBK	Keystone Shipping	2012C	2017A	2013A MOD2F	W19 W50	10726
Chevron California	WOGN	Chevron Shipping	2012C	2017A	2013A MOD2F	W21 W52	10727
Chevron Hawaii	KNFD	do	2012C	2017A	2013A MOD2F	W22 W53	10728
Chevron Mississippi	WXBR	do	2012C	2017A	2013 MOD2F	W23 W54	10729
China Bear	WEZP	Pacific Far East	2012A	2017A	MRU27A	W24 W55	10730
Chocktaw I	KLHY	Santa Fe International			CA35MS/CL35	W25 W56	10731
Chocktaw II	WCGI	do			CA35MS/CL35	W26 W57	10515
Christobal	KCOQ	Panama Canal	ET 8051C	ET 8043	ET 8065C	W27 W58	10732
Christopher Lykes	KPLF	Lykes Bros. SS	2012BP	2010A	MRU35A	W28 W59	10733
Cities Service Baltimore	KEHO	International Ocean Transport	ET 8051	ET 8043	2013C MOD2F	W29 W60	10734
Cities Service Miami	WIJI	do	ET 8051	ET 8043	2013C MOD2F	W30 W61	10735
Cities Service Norfolk	KNEC	do	ET 8051	ET 8043	2013C MOD2F	W31 W62	10736
Citrus Packer	KBVN	Waterman SS	2012D	2017C	2013C1F	W61 W32	10737
City of Alma	KEDU	do	155B	149A	167A	W62 W33	10738
Colorado	KPHB	States Marine	2012B	2010R	HFT 1KJ	W34 W35	10739
Do	KWFE	Sabine T. & T	ET 8051C	ET 8043A	ET 8065C	W65 W36	10740
Columbia	KGYS	U.S. Steel	ET 8051C	ET 8043A	ET 8065C	W66 W37	10741
Do	KQIX	Ogden Marine	2012C	2017A	2013A MOD2F	W67 W38	10742
Columbia Brewer	KRHE	Columbia SS	ET 8024R	ET 8025	ET 8023X	W68 W39	10743
Columbia Fox	KYDC	do	ET 8024R	ET 8025	ET 8023X	W69 W40	10744
Columbia Mariner	KBVY	do	ET 8024R	ET 8025	ET 8023X	W10 W41	10745
Columbia Owl	WFZM	do	ET 8024R	ET 8025	ET 8023K	W11 W42	10746
Columbia Star	KYFG	do	ET 8024R	ET 8025	ET 8023X	W12 W43	10747
Connecticut	KETD	Connecticut Transport	2009A	2010A	2013D1F	W13 W44	10748
Coronado	KPSB	Keystone Shipping	2012C	2017A	2013A MOD2F	W14 W45	10749
Cotton State	KREG	States Marine	155AY	155AY	167BX	W15 W46	10750
Council Grove	KFRJ	International Ocean Transport	2012D	2017A	2013E1F	W16 W47	10751
Curb	KFUF	Murphy Pacific Marine	2012B	2010A	2013BF	W17 W48	10752
Cyclone	WGWO	Storm Drilling Co	2012C	2017A		W67 W38	10753
Cyrus E. King	KCFC	Frank R. Hamlett Jr			(HOMEMADE) HF 1	W18 W49	10754
David D. Irwin	KPEA	Delnor Corp	ET 8051C	ET 8043A	ET 8065C	W19 W50	10755
David E. Day	KFRR	Hendy International	155B	149A	2013E1	W21 W52	10756
Defiance	KRBS	Moore McCormack	2012A	2010R	2006A1	W22 W53	10757
Del Oro	WLCJ	Delta Steamship Lines	ET 8051	ET 8043	ET 8065M	W23 W54	10758
Del Rio	WGMU	Delta SS	ET 8051	ET 8043	ET 8065M	W24 W55	10759
Del Sol	WLCI	do	ET 8051	ET 8043	ET 8065M	W25 W56	10760
Dela Uruguay	KPNA	do	ET 8051A	ET 8043	CRM T1A 1000N	W26 W57	10761
Delaware Getty	KCBE	Getty Oil	ET 8051	ET 8043	ET 8065C	W27 W58	10762
Delaware Sun	KJDN	Delaware Sun Shipping	ET 8051	ET 8043	ET 8065C	W28 W59	10763
Delta Argentina	WNBM	Delta SS	ET 8051A	ET 8043	CRM T1A 1000M	W29 W60	10764
Delta Brasil	WNBW	do	ET 8051A	ET 8043	CRM T1A 1000M	W30 W61	10765
Delta Mar	KICF	do	2012C	2017A	2013A MOD 2F	W31 W62	10766
Delta Mexico	WHIX	do	ET 8051A	ET 8043	CRM T1A 1000M	W01 W32	10767
Delta Norte	KIIA	do	2012C	2017A	2013A MOD 2F	W02 W33	10768
Delta Paraguay	KYDA	do	ET 8051A	ET 8043	CRM T1A 1000M	W04 W35	10769
Delta Sud	KYDA	do	2012C	2017A	2013A MOD 2F	W05 W36	10770
Detroit	WFJH	Sealand Service	2012B	2010A	2013B	W06 W37	10771
Discoverer I	WPGS	Offshore International S.A	2012BP	2010A	2013BPF	W07 W38	10772
Doctor Lykes	KGDC	Lykes Bros. SS	2012D	2017A	2013E1F	W08 W39	10773
Do	KHNB	do	2012A	2010A	MRU27A	W09 W40	10774
Dolly Turman	WLDD	do	2012BP	2010A	MRU35A	W10 W41	10775
E. W. Thornton	WPHA	Reading & Bates Offshore Drill	2012B	2010A	2013B	W11 W42	10776
Eagle Charger	KMLK	Eagle Terminal Tankers	2012A	2010A	2013AF	W12 W43	10777
Eagle Courier	WIGF	United Maritime	ET 8051	ET 8043	ET 8065M	W13 W44	10778
Eagle Leader	KMLD	Eagle Terminal Tankers	2012A	2010A	2013AF	W14 W45	10779
Eagle Transporter	KMJE	United Maritime	ET 8051	ET 8043	ET 8065M	W15 W46	10780
Eagle Traveler	WKJP	Sea Transport	ET 8051	ET 8043	ET 8065M	W16 W47	10781
Eagle Voyager	KESN	United Maritime	ET 8051	ET 8043	ET 8065M	W17 W48	10782
Eastern Sun	KFBT	Eastern Sun Shipping	ET 8051	ET 8043	ET 8065C	W18 W49	10783
Eclipse	KJPA	Mobil Oil	2012C	2017A	2013A MOD 2F	W19 W50	10784
Edgar M. Queen	KEOC	Bankers Trust	ET 8051B	ET 8043	CRM T1B 1000M	W21 W52	10785
El-Taino	KCGH	Transamerican Trailer	2012C	2017A	MRU35A	W22 W53	10786

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Elizabeth Lykes	WHTP	Lykes Bros. SS	2012BP	2010A	MRU35A	W23 W54	10787
Elizabethport	KFEN	Sealand Service	2012D	2017A	2013E1F	W25 W55	10788
Ellen B. Scripps	WEMN	Regents of University of California			2013BP1	W26 W56	10789
Empire State IV	WHMW	Sunny Maritime Coll	2012D	ET 8043	2013E1F	W27 W57	10790
Entu	KRUW	Vantage SS	ET 851	ET 8043	ET 8052	W28 W59	10791
Eric K. Holzer	WIAG	Transamerican Trailer	2012A	2010A	2013A MOD2F	W29 W60	10792
Erna Elizabeth	WHJK	Albatross Tanker	2009A	2019A	CA35MS	W30 W61	10793
Evening Star	KDDJ	Walter C. Maertins			ART 13	W31 W62	10794
Exbrook	KHHP	American Export	2012D	2017A	2013E1F	W01 W32	10795
Excelsior	KYGT	do	155B	149A	167A	W02 W33	10796
Exchester	KHHS	do	155B	149A	167A	W04 W35	10797
Exford	KHND	do	2012D	2017A	2013E1F	W05 W36	10798
Export Adventurer	KSGK	do	2012A	2010A	2013AF	W06 W37	10799
Export Agent	KEHL	do	2012A	2010A	2013AF	W07 W38	10800
Export Aide	WGKB	do	2012A	2010A	2013AF	W08 W39	10801
Export Ambassador	WEXF	do	2012A	2010A	2013AF	W09 W40	10802
Export Banner	WFGT	do	2012A	2010A	2013AF	W10 W41	10803
Export Bay	WGKC	do	2012A	2010A	2013AF	W11 W42	10804
Export Builder	KEXB	do	2012A	2010A	2013AF	W12 W43	10805
Export Buyer	KCAO	do	2012A	2010A	2013AF	W13 W44	10806
Export Challenger	WLSG	American Export Isbrandtsen	ET 8051A	ET 8043	CRM T1A 1000M	W14 W45	10807
Export Champion	WLCG	do	ET 8051A	ET 8043	CRM T1A 1000M	W15 W46	10808
Export Commerce	WGKE	do	ET 8051A	ET 8043	CRM T1A 1000M	W16 W47	10809
Export Courier	KAAG	do	ET 8051A	ET 8043	CRM T1A 1000M	W17 W48	10810
Export Defender	KFGM	American President Lines	2012B	2017B	2013D1F	W18 W49	10811
Export Democracy	KFCO	do	ET 8051	ET 8043	CA35MS	W19 W50	10812
Export Diplomat	KFCD	do	2012B	2017A	2013D1F	W21 W52	10813
Export Freedom	WCJS	American Export	2012C	2017A	2013A MOD2F	W22 W53	10814
Export Leader	WCJV	do	2012C	2 17A	2 13A MOD2F	W23 W54	10815
Export Patriot	WCJY	do	2 12C	2 17A	2 13A MOD2F	W24 W55	10816
Exporter	KHQZ	do	155B	149A	167B	W25 W56	10817
Express	KGVI	do	2 1A	189A	2 3B	W26 W57	10818
Exxon Baltimore	WHMK	Exxon Comm	ET 8 51A	ET 8 43	CRM T1A 1000M	W27 W58	10819
Exxon Bangor	KEAH	do	2 12D	ET 8 43	2 13E1F	W28 W59	10820
Exxon Baton Rouge	WAFA	do	2 12A	2 1 A	2 13AF	W29 W60	10821
Exxon Boston	WHML	do	ET 8 51A	ET 8 43A	CRM T1A 1000M	W3 W61	10822
Exxon Chester	KEAG	do	2 12D	ET 8 43	2 13E1F	W31 W62	10823
Exxon Florence	KEAK	do	2 12D	ET 8 43	2 13E1F	W 1 W32	10824
Exxon Gettysburg	KIVP	do	2 12D	ET 8 43	2 13E1F	W 2 W33	10825
Exxon Houston	KHBA	do	2 12B	2 10A	2 13BF	W 4 W35	10826
Exxon Huntington	KEAJ	do	2 12D	ET 8 43	2 13E1F	W 5 W36	10827
Exxon Jamestown	KIYO	do	2 12D	ET 8 43	2 13E1F	W 6 W37	10828
Exxon Lexington	KIYP	do	2 12D	ET 8 43	2 13E1F	W 7 W38	10829
Exxon New Orleans	WNDM	do	2 12B	2 1 A	2 13BF	W 8 W39	10830
Exxon Newark	KEAF	do	2 12D	ET8 43	2 13E1F	W09 W41	10831
Exxon Philadelphia	WNFI	do	2 12A	2 1 A	2 13AF	W1 W41	10832
Exxon San Francisco	KAAC	do	2 12A	2 1 A	2 13AF	W11 W42	10833
Exxon Seattle	KNBL	do	ET 8 51	ET 8 43	ET 8 65M	W12 W43	10834
Exxon Washington	KIYN	do	2 12D	ET 8 43	2 13E1F	W13 W44	10835
F. S. Bryant	KIQT	Standard Oil of California	2 12D	2 17A	2 13E1F	W14 W45	10836
F. V. Hunt	KFVH	Tracor/Mas, Inc	2 12B			W15 W46	10837
Fairisle	KWXG	Panoceanic Tankers	ET 8 24A	ET 8 25	ET 8 23X	W16 W47	10838
Fairland	KGFP	Sealand Service	2.12D	2017A	2.13E1F	W17 W48	10839
Fairlee	WKOB	Hubbard Broadcasting		ET 8 43		W18 W49	10840
Floridian	WKJW	Containerships	2 12A	2 17A		W19 W51	10841
Flying Dragon	KIEA	Pacific Far East	ET 8012C	ET 8023	ET 8019AX	W21 W52	10842
Flying endeavor	WDIB	American Export	155B	149A	156A	W22 W53	10843
Flying Enterprise II	KWTI	do	ET 8024A	ET 8025	ET 8023X	W23 W54	10844
Flying Fish	KBXX	do	155B	149A	156A	W24 W55	10845
Flying Foam	KFVY	American Export Isbrandtsen	150A	149A	167BY	W25 W56	10846
Flying Hawk	WMRX	American Export	155AY	155AY	167BX	W26 W57	10847
Fort Fetterman	KVNQ	Chas Kurz & Co	2012C	2017A	CRM TJA 1000M	W27 W58	10848
Fort Hoskins	KIEC	Tankships	2012D	2017A	2013E1F	W28 W59	10849
Fort Worth	KQDL	Trinidad	2012D	2017C	CA35M5	W29 W60	10850
Fortaleza	WEWW	Transocean Transportation	2012C	2017A	2013A	W30 W61	10851
Fortuna	WOQO	Alaska SS	150AY	153AY	167BY	W31 W62	10852
Frederick Lykes	WHTW	Lykes Bros. SS	2012BP	2010A	MRU35A	W01 W32	10853
Grines Mill	KUOL	Chas Kurz & Co	2012C	2017A	2013E1F	W02 W33	10854
Galveston	KBGA	Sealand Service	2012A	2010A	MR337 10A	W04 W35	10855
Gateway City	KYTB	Coastal Ship	2012D	2017A	2013E1F	W05 W36	10856
Genevieve Lykes	WZJA	Lykes Bros. SS	2012BP	2010A	MRU35A	W06 W37	10857
George S. Long	WPSC	Weyerhauser SS	2012B	2010A	2013B	W07 W38	10858
George Walton	KFEU	States SS	2012B	2017B	2013D1F	W08 W39	10859
Glomar Challenger	WNCU	Global Marine	ET 8051A	ET 8043	CRM T1A 1000M	W09 W40	10860
Glomar Conception	WPGN	do	ET 8051	ET 8043	ET 8065M	W10 W41	10861
Glomar Grand Banks	KPOT	do	ET 8051C	ET 8043A	CRM T1C 1000	W11 W42	10862
Glomar Grand Isle	KKFE	do	ET 8051	ET 8043	ET 8065M	W12 W43	10863
Glomar Tasman	KIAD	do	ET 8024A	ET 8025	ET 8023D1X	W13 W44	10864
Glory of the Sea	KWGQ	Battery SS	ET 8024A	ET 8025	ET 8023X	W14 W45	10865
Golden Bear	KIYG	U.S. Maritime Commission	ET 8051A	ET 8043	CRM T1A 1000M	W15 W46	10866
Do	WEZD	Pacific Far East	2012A	2010A	MRU27A	W16 W47	10867
Golden Dolphin	KIBM	Aeron Shipping	ET 8051C	ET 8043A	CRM T1C 1000B	W17 W48	10868
Golden Endeavor	WDBU	do	ET 8051C	ET 8043A	CRM T1C 1000B	W18 W49	10869
Golden Gate	KIOH	Keystone Shipping	ET 8051B	ET 8043	CRM T1B 1000M	W19 W50	10870
Golden Noon	KQKO	Fred F. Noonan	ET 8024A	ET 8025	RDCO 302	W21 W52	10871
Gray	KRXR	Verity Marine	155B	189A	167B	W22 W53	10872
Great Republic	WMRM	Moore McCormack	2012A	2010A	2016A1	W23 W54	10873
Green Bay	KPGS	Central Gulf SS	155B	149A	167A	W24 W55	10874
Green Cove	KHZR	do	ET 8019CA	ET 8019CA	ET 8019AX	W25 W56	10875
Green Forest	WMBE	do	2012D	2017A	2013E1F	W26 W57	10876
Green Harbour	KIBJ	do	2012C	2017A	2013A MOD2F	W27 W58	10877
Do	WEDE	do	ET 8024A	ET 8025	ET 8023X	W28 W59	10878
Green Island	KIBK	do	2012C	2017A	2013A MOD2F	W29 W60	10879
Do	KEDQ	do	ET 8024A	ET 8025	ET 8023X	W30 W61	10880
Green Lake	KGWZ	do	2 12D	2017A	2013E1F	W31 W62	10881
Green Point	KAOD	do	ET 8019CA	ET 8019CA	ET 8019AX	W01 W32	10882
Green Port	WOWF	do	2012D	2017A	2013E1F	W02 W33	10883
Green Ridge	KKPR	do	2012D	2 17A	2013C1F	W04 W35	10884
Green Springs	KPCT	do	2 12D	2017A	2013E1F	W05 W36	10885
Green Valley	KHAQ	do	2012C	2017A	2013A 2F	W06 W37	10886
Green Wave	WBAD	do	2012D	2017A	2013E1F	W07 W38	10887
Guadallipe	KSHF	Sabine T. & T	ET 8051C	ET 8043A	ET 8065Ø	W08 W39	10888
Guayama	WHGO	Sealand Service	2012A	2010A	MRU27A/MRU337 1Ø	W09 W40	10889

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Gulf Banker	WLDH	Lykes Bros. SS	2312BP	2310A	2313BPF	W10 W41	10890
Gulf Commander	KSBC	Walter Huthnance Drilling Co			CA35MS/CL35	W11 W42	10512
Gulf Crest	KIMH	Blackships, Inc	ET 8351	ET 8343	ET 8365M	W12 W43	10891
Gulf Deer	WPIR	do	ET 8351C	ET 8343A	ET 8065C	W13 W44	10892
Gulf Farmer	WLDN	Lykes Bros. SS	2312BP	2310A	2 13BPF	W14 W45	10893
Gulf King	WAKL	Blackships, Inc	ET 8 51	ET 8 43	ET 8 65M	W15 W46	10894
Gulf Knight	KGNT	do	ET 8351	ET 8343	ET 8 65M	W16 W47	10895
Gulf Lion	KKKO	do	ET 8 51C	ET 8343A	ET 8065C	W17 W48	10896
Gulf Merchant	KGMK	Lykes Bros. SS	2312BP	2310A	2 13BPF	W18 W49	10897
Gulf Oil	WEMS	Blackships, Inc	ET 8 51	ET 8 43	ET 8 65M	W19 W50	10898
Gulf Pride	WJHK	do	ET 8 51	ET 8 43	ET 8 65M	W21 W52	10899
Gulf Prince	KARC	do	ET 8 51	ET 8343	ET 8 65M	W22 W53	10900
Gulf Queen	KLHC	do	ET 8 51	ET 8043	ET 8 65M	W23 W54	10901
Gulf Seal	KKIX	Delships, Inc	ET 8 51C	ET 8 43	CA 35MS	W24 W55	10902
Gulf Shipper	KEMP	Lykes Bros. SS	2 12BP	2310A	2 13BPF	W25 W56	10903
Gulf Spray	KEJD	Delships, Inc	ET 8 51	ET 8343	ET 8 65M	W26 W57	10904
Gulf Supreme	KGXM	Gulf Oil Corp	ET 8351	ET 8043	ET 8 65M	W27 W58	10905
Gulf Tiger	KKJW	Blackships	ET 8351C	ET 8043A	ET 8065C	W28 W59	10906
Gulf Trader	KRHI	Lykes Bros. SS	2312BP	2310A	2 13BPF	W29 W60	10907
Harding	KQRB	Bonito Maritime	ET 8310CA	ET 8003	ET 8310AX	W30 W61	10908
Hastings	KYRI	Waterman SS	2312D	2 17A	2313E1F	W31 W62	10909
Hawaii	WEBW	States SS	ET 83511	ET 8043	ET 8365M	W 1 W32	10910
Hawaii Bear	WGJA	Pacific Far East	ET 8351C	ET 8043	ET 8365C	W32 W33	10911
Hawaiian	KPZP	Matson Navigation	2312D	2317A	2313E1F	W 4 W35	10912
Hawaiian Citizen	KCUN	do	ET 8351	ET 8043	ET 8065C	W35 W36	10913
Hawaiian Enterprise	KNLO	do	2312A	2310A	2313AF	W36 W37	10914
Hawaiian Legislator	KVQR	do	ET 8351C	ET 8043R	ET 8365C	W37 W38	10915
Hawaiian Monarch	WNKP	do	2312R	2310A	2 13AF	W 8 W39	10916
Hawaiian Princess	WEME	do	2312B	2310A	2313BF	W39 W40	10917
Hawaiian Progress	KNIJ	do	2312A	2310A	2313AF	W10 W41	10918
Hawaiian Queen	KSVE	do	2312A	2310A	2313AF	W11 W42	10919
Hercules	KCSK	Brown & Root			MR 150 0.5	W12 W43	10502
Hess Bunker	KIHX	Hess Tankship	ET 8351C	ET 8343A	ET 8 65C	W13 W44	10920
Hess Petrol	KVCB	do	ET 8351C	ET 8343A	ET 8 65C	W14 W45	10921
Hess Refiner	KGYI	do	2312D	2317A	2313E1F	W15 W46	10922
Hess Trader	WSKC	do	ET 8351C	ET 8343A	ET 8 65C	W16 W47	10923
Hess Voyager	KNFE	do	ET 8351A	ET 8043	CRM T1A 100M	W17 W48	10924
Hillyer Brown	KKLA	Standard Oil of California	2312C	2317A	2 13D1F	W18 W49	10925
Hong Kong Mail	WNFD	American Mail	2312AP	2317A	2 13APF	W19 W50	10926
Hoosier State	KPCD	Global Bulk Transport	155B	149A	167A	W21 W52	10927
Hope	WHNJ	People to People Health Foundation	2 39A	2 19A	2 13D1F	W22 W53	10928
Horizon	KSLF	Regents of University of California	2312A9	2 19A	2 13 P	W23 W54	10929
Houston	KHQG	Trinidad Corp	2312D	2317A	CA35M3	W24 W55	10930
Do	WFZV	Sealand Service	2312A	2313A	2 13A	W25 W56	10931
Howell Lykes	WLBP	Lykes Bros. SS	2 12BP	2313A	2 13BP	W26 W57	10932
Hugh Gordon	KCUJ	Brown & Root			MR 150 0.5	W27 W58	10508
Humacao	KGCW	Puerto Rico Maritime	2 12A	2 17A	2 13AF	W28 W59	10933
Hurricane	KOGL	Storm Drilling	ET 8351C	ET 8 43A		W29 W60	10934
Do	KXVG	American President	2 12D	2 17A	2 13D1F	W30 W61	10935
Iberville	KFCE	Waterman SS	2312B	2317B	2313D1F	W31 W62	10936
Idaho	KNKF	States Marine	2 12B	231 A	HFT 1KJ	W 1 W32	10937
Idaho Standard	KXAX	Standard Oil of California	2312D	2 17A	2 13C1F	W02 W33	10938
Independence	KPHI	American Export	ET 8 38	ET 8743	ET 8039	W 4 W35	10939
Indian Mail	KADB	American Mail	2 12AP	2317A	2 13APF	W 5 W36	10940
Inger	KCSA	Fox Shipping	2 12D	2317A	2 13C1F	W 6 W37	10941
J. E. Poole	KAPO	Marquette Cement	2 12B	2 1 A		W 7 W38	10942
J. H. Tuttle	KKOZ	Standard Oil of California	2312D	2 17A	2 13E1F	W 8 W39	10943
J. L. Hannah	KKYD	do	2312D	2317C	2313C1F	W 9 W40	10944
Jacksonville	KWAH	Sealand Service	2312A	2313A	2313AF	W1 W41	10945
James	KHCV	James River Transport	2312D	2317A	2313E1F	W11 W42	10946
James Lykes	WHTS	Lykes Bros. SS	2 19A	2310A	MRU35A	W12 W43	10947
James M. Gillis	WEWP	University of Miami	ET 8351	ET 8343	ET 8065	W13 W44	10948
Japan Bear	WEZM	Pacific Far East	2312A	2317A	MRU27A	W14 W45	10949
Japan Mail	WLRL	American Mail	2312B	2317A	2 13B	W15 W46	10950
Jean Lykes	WLAH	Lykes Bros. SS	2319A	2313A	MRU35A	W16 W47	10951
Jeff Davis	WEIN	Waterman SS	2312BP	2310A	2313BPF	W17 W48	10952
Jirafa	WNVP	J. Ray McDermott			CA35MS/CL35	W18 W49	10953
Joe Pickering	KVBH	La Dock Co			CA35MS	W19 W50	10954
John B. Waterman	KFCL	Waterman SS	2312B	2317B	2313D1F	W21 W52	10955
John Elliot Pillsbury	KNFA	University of Miami	ET 8351		ET 8365	W22 W53	10956
John Lykes	KIHD	Lykes Bros. SS	2309A	2310A	MRU35A	W23 W54	10957
John Penn	KERL	Waterman S	2312B	2317B	2313D1F	W24 W55	10958
John Tyler	KFCH	do	2312B	2317B	2313D1F	W25 W56	10959
Joseph D. Potts	KACF	Mathiasen Tankers	2312A	2310A	2313AF	W26 W57	10960
Joseph Hewes	KFCT	Waterman S	2312B	2317B	2313D1F	W27 W58	10961
Joseph Lykes	WHTR	Lykes Bros. SS	2309A	2310A	MRU35A	W28 W59	10962
Julesburg	KIXQ	Chas Kurz & Co	2312D	2317A	2313E1F	W29 W60	10963
Julie	KPMX	Plaza Shipping	2312D	2317A	2313E1F	W30 W61	10964
Keva Ideal	KMHM	Keva Corp	2312D	2317A	2313E1F	W31 W62	10965
Keystoner	KIGR	Keystone Tankship	ET 8351	ET 8343	2313C3F	W01 W32	10966
Keytanker	KIBF	do	ET 8351	ET 8343		W02 W33	10967
Kopaa	KUTH	Matson Navigation	2312A	2310A	2313AF	W04 W35	10968
Korean Mail	WJGH	American Mail	2312AP	2310A	2313APF	W05 W36	10969
L. B. Meaders	KCSL	Brown & Root			MR 150 0.5	W06 W37	10503
La Salle	KXUW	Waterman SS	2312B	2317B	2313D1F	W07 W38	10970
Lash Atlantico	WEZU	Prudential Grace Lines	2312A	2310A	MRU27A	W08 W39	10971
Lash Espana	WEZA	do	2312A	2310A	MRU27A	W09 W40	10972
Lash Italia	WJAJ	do	2312A	2310A	MRU27A	W10 W41	10973
Lash Pacifico	WIEE	do	2312A	2310A	MRU27A	W11 W42	10974
Lash Turkiye	WMIG	do	2312A	2310A	MRU27A	W12 W43	10975
Leland I. Doan	WLDE	Marine Interests	ET 8351	ET 8043	ET 8065M	W13 W44	10976
Leslie Lykes	WHTU	Lykes Bros. SS	2309A	2310A	MRU35A	W14 W45	10977
Letitia Lykes	KNEG	do	2312BP	2310A	MRU35A	W15 W46	10978

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Liberty Bell	KONC	Pan Pacific Fisheries			8A	W16 W47	10979
Lompoc	KORW	Hendy International	2112C	2017A	2013E1F	W17 W48	10980
Long Beach	KPDV	Litton Industries	ET 8051A	ET 8043	CRM T1A 1000M	W18 W49	10981
Los Angeles	WTKD	Sealand Service	2012D	2017A	2013E1F	W19 W50	10982
Louis Lykes	WLCV	Lykes Bros. SS	2112BP	2010A	MRU35A	W21 W52	10983
Louisiana Brimstone	KQTM	Hendy International	2012D	2017A	2013C1F	W22 W53	10984
Louisiana Getty	WSSS	Getty Oil	2012A	2017A	2013A MOD2F	W23 W54	10985
Louisiana Sulphur	KKWG	Oceanic Sulphur	2012D	2017A	2013E1F	W24 W55	10986
Lurline	WLVD	Matson Navigation	2012C	2017A	2013A MOD2F	W25 W56	10987
Lyman Hall	KHRD	Waterman SS	2012B	2017A	2013D1F	W26 W57	10988
M. M. Dant	WJHA	States SS	ET 8051	ET 8043	ET 8065M	W27 W58	10989
Madaket	KOXH	Waterman SS	2012D	2017A	2013E1F	W28 W59	10990
Maiden Creek	KPBU	Sealand Service	155B	149A	167B	W29 W60	10991
Mallory Lykes	KLPN	Lykes Bros. SS	2112BP	2010A	MRU35A	W30 W61	10992
Manhatten	WJAF	Mahatten Tanker	ET 8051	ET 8043	ET 8065M	W31 W62	10993
Margaret Lykes	WJHN	Lykes Bros. SS	2012BP	2010A	MRU35A	W01 W32	10994
Marine Chemical Transporter	KVNZ	Marine Transport Lines	2012A 2	2017A	2013A MOD2F	W02 W33	10995
Marine Chemist	KMCB	Marine Chemical Navigation	ET 8051B	ET 8043	CRM T1E 1000M	W04 W35	10996
Marine Duval	WQUI	Marine Transport Lines	2112A	2010A	2013AF	W05 W36	10997
Marine Eagle	WAYP	Marine Chemical Carriers	2012A	2010A	2013AF	W06 W37	10998
Marine Electric	WOOH	Marine Transport	ET 8051C	ET 8043A	ET 8065C	W07 W38	10999
Marine Floridian	KQMZ	do	ET 8051C	ET 8043A	ET 8065C	W08 W39	11000
Marine Texan	KGYQ	Marine Sulphur Carriers	ET 8051C	ET 8043A	ET 8065C	W09 W44	11001
Mariposa	KFCP	Pacific Far East	2112B	2017B	2006A1	W10 W41	11002
Marjorie Lykes	KAXP	Lykes Bros. SS	2012BP	2010A	MRU35A	W11 W42	11003
Maryland Trader	KFTZ	American T. & P	2012A	2010A	2013AF	W12 W43	11004
Marymar	WKFO	Calmar Shipping	ET 8351A	ET 8043	CRM T1A 1000M	W13 W44	11005
Mason Lykes	KNFN	Lykes Bros. SS	2012BP	2010A	MRU35A	W14 W45	11006
Massachusetts	WNHJ	International Ocean Transport	2 12C	2017A	MRU38A	W15 W46	11007
Matsonia	KHRC	Matson Navigation	2 12C	2017A	2013A MOD2F	W16 W47	11008
Mayaguez	WFZK	Sealand Service	2012D	2017C	2013C1F	W17 W48	11009
Do	KAAI	Puerto Rico Maritime	2 12A	2017A	2013AF	W18 W49	11010
Mayo Lykes	KBNC	Lykes Bros. SS	2012B	2010A	MRU35A	W19 W50	11011
McDermott Barge No. 11	WNVH	J. Ray McDermott			CA35MS/CL35	W21 W52	11012
McDermott Barge No. 12	WNWB	do			CA35MS/CL35	W22 W53	11013
McDermott Barge No. 16	WNWD	do			CA35MS/CL35	W23 W54	10522
McDermott Barge No. 17	WNWE	do			CA35MS/CL35	W24 W55	11014
McDermott Barge No. 2	WNVV	do			RM1530S	W25 W56	11015
McDermott Barge No. 20	WNVF	do			CA35MS/CL35	W26 W57	11016
McDermott Barge No. 21	WNVG	do			CA35MS/CL35	W27 W58	11017
McDermott Barge No. 22	WNWF	do			CA35MS/CL35	W28 W59	11018
McDermott Barge No. 23	WNWG	do			CA35MS/CL35	W29 W60	10509
McDermott Barge No. 27	KUBK	do			RM1530S	W30 W61	10517
McDermott Barge No. 28	KNRG	do			RM1530S	W31 W62	10518
McDermott Barge No. 3	WGLM	do			RM1530S	W01 W32	10519
McDermott Barge No. 4	WGLN	do			CA35MS/CL35	W32 W33	10520
McDermott Barge No. 5	WNVK	do			CA35MS/CL35	W04 W35	11019
McDermott Barge No. 7	WNVC	do			CA35MS/CL35	W05 W36	11020
McDermott Barge No. 8	WNVE	do			CA35M	W06 W37	11021
McDermott Barge No. 9	WJAH	do			CA35MS/CL35	W07 W38	11022
Meadowbrook	KIHS	Chas Kurz & Co	2012D	ET 8043	2013E1F	W08 W39	11023
Melville	WECB	Regents of University of California	2012AP	2017A	2013APF	W09 W40	11024
Merrimac	WOMD	Ogden Merrimac	2112C	2017A	2013C1F	W10 W41	11025
Michigan	KAIP	States SS	2012B	2017A	HFT 1KJ	W11 W42	11026
Mill Spring	KUCS	Chas Kurz & Co	2 12C	2017A	2013E1F	W12 W43	11027
Mobil Aero	WLBY	Socony Mobil Oil	2309A	2017A	2011A	W13 W44	11028
Mobil Artic	KSPY	Mobil Oil	2012C	2017A	2013A MOD2F	W14 W45	11029
Mobil Fuel	WGEB	do	ET 8051	ET 8043	ET 8065M	W15 W46	11030
Mobil Gas	KOHD	do	2012C	2017A	2013A MOD2F	W16 W47	11031
Mobil Lube	WKIM	Socony Mobil Oil	2309A	2010A	2013D1F	W17 W48	11032
Mobil Meridian	KGSM	Mobil Oil	ET 8051	ET 8043	ET 8065M	W18 W49	11033
Mobil Oil	WMTO	Socony Mobil Oil	2009A	2010A	2013D1F	W19 W50	11034
Mobile	KPPH	Sealand Service	2012A	2010A	2013A	W21 W52	11035
Mobil No. 1	WVAG	Texas Instruments			MR 102	W22 W53	11036
Mobil No. 2	WVAI	do			MR 102	W23 W54	11037
Mobil Power	KIEH	Kuurz Marine	ET 8051	ET 8043	ET 8065M	W24 W55	11038
Mohawk	KPHA	Mohawk Shipping	2012D	2017A	2013E1F	W25 W56	11039
Monmouth	KFLF	Charles Kurz & Co	2012D	2017A	2013E1F	W26 W57	11040
Montana	WXGO	States Marine Lines	2012B	2010A	HFT 1KJ	W27 W58	11041
Monterey	KFCN	Pacific Far East	2012B	2017B	2006A1	W28 W59	11042
Montpelier	WJCS	Victory Carriers	2012BP	2010A	2013BPF	W29 W60	11043
Moon	KAIB	American Condor SS	2012D	2017A	2013E1F	W30 W01	11044
Mormacaltair	WMSM	Moore McCormack	ET 8051A	ET 8043	CRM T1A 1000M	W31 W02	11045
Mormacape	WMDX	do	ET 8051A	ET 8043	CRM T1A 1000M	W01 W32	11046
Mormacargo	WMRG	do	ET 8051A	ET 8043	CRM T1A 1000M	W02 W33	11047
Mormacbay	WMDW	do	ET 8051A	ET 8043	CRM T1A 1000M	W04 W35	11048
Mormacdrago	WMSD	do	ET 8051A	ET 8043	CRM T1A 1000M	W05 W36	11049
Mormaceglen	WMDL	do	ET 8351A	ET 8043	CRM T1A 1000M	W06 W37	11050
Mormaclake	WMDY	do	ET 8051A	ET 8043	CRM T1A 1000M	W07 W38	11051
Mormaclynx	WMRU	do	ET 8051A	ET 8043	CRM T1A 1000M	W08 W39	11052
Mormacove	WMDG	do	ET 8051A	ET 8043	CRM T1A 1000M	W09 W40	11053
Mormacpride	WMDV	do	ET 8051A	ET 8043	CRM T1A 1000M	W10 W41	11054
Mormacrigel	WMSF	do	ET 8051A	ET 8043	CRM T1A 1000M	W11 W42	11055
Mormacscan	WMDZ	do	ET 8051A	ET 8043	CRM T1A 1000M	W12 W43	11056
Mormactrade	WMRH	do	ET 8351A	ET 8043	CRM T1A 1000M	W13 W44	11057
Mormacvega	WMRJ	do	ET 8 51A	ET 8 43	CRM T1A 1000M	W14 W45	11058
Mount Navigator	KNAR	Mount Shipping	2012B	2017A	2013BF	W15 W46	11059
Mount Vernon Victory	KCDF	Mount Vernon Tanker	2009A	2017A	2 13D1F	W16 W47	11060
Nancy Lykes	WCUU	Lykes Bros., SS	2009A	2010A	MRU35A	W17 W48	11061
Neches	KYNK	Sabine T. & T	ET 8351C	ET 8043	ET 8 65C	W18 W49	11062
Neptune	KAAU	Richard T. Race	2012B		N551	W19 W50	11063
Nevada Standard	KQUC	Standard Oil of California	2012D	2017A	2 13E1F	W21 W52	11064
New Jersey Sun	KFAL	N.J. Sun Shipping	ET 8051	ET 8 43	ET 8 65C	W22 W53	11065
New York Getty	KHTS	Getty Oil	ET 8051	ET 8043	ET 8 65C	W23 W54	11066
New Yorker	WIPL	Sealand Service	2009A	2010A	2 13BF	W24 W55	11067
New Zealand Bear	WGJO	Pacific Far East	ET 8051C	ET 8043	ET 8 65C	W25 W56	11068
Newark	WNLO	Sealand Service	2112A	2017A	2013AF	W26 W57	11069
Nooday	KQJJ	Waterman SS	2012D	2017C	2013C1F	W27 W58	11070
Notre Dame Victory	KFLC	Ecological Tankers	2012C	2017A	2013A MOD2F	W28 W59	11071
Oakland	KPIV	Litton Industries	ET 8051A	ET 8043	CRM T1A 1000M	W29 W60	11072
Ogden Challenger	WGHK	Ogden Marine	2009A	2017A	2013D1F	W30 W01	11073
Ogden Champion	KIGP	do	2012A	2017A	2013AF	W31 W02	11074
Ogden Wabash	WGWC	Willamette Transport	2012A	2017A	2013AF	W01 W32	11075
Ogden Willamette	WGWA	Ogden Marine	2012A	2017A	2313AF	W02 W33	11076
Ogden Yukon	KLHA	Sea Transport	2012D	2017A	2013E1F	W04 W35	11077
Old Dominion State	KASQ	States Marine	2012A	2010A	2013A	W05 W36	11078

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Omega	WNHA	William R. Lamphear			ET 8 63A	W 6 W37	11079
Optimist	WOHB	Optimist Yachts	ART13		ET 8 63A	W 7 W38	11080
Oregon	KKFW	States SS	ET 8351	ET 8343	ET 8 65M	W 8 W39	11081
Oregon Mail	KCAK	American Mail	2 12BP	2 13A	2 13B1F	W 9 W40	11082
Oregon Standard	KTKW	Standard Oil of California	2312D	2317C	2 13C1F	W1 W41	11083
Overseas Alaska	WEHV	Maritime Overseas	2 12A	2313A	2 13AF	W11 W42	11084
Overseas Aleutian	KFGK	Ocean Transport	2312A	2310A	2 13A F	W12 W43	11085
Overseas Alice	WOVL	Intercontinental Bulktank	ET 8351B	ET 8343	CRM T1B 1300M(B)	W13 W44	11086
Overseas Anchorage	KLFE	Global Seaways	2309A	2310A	2313D1F	W14 W45	11087
Overseas Artic	KLEZ	Maritime overseas	2312A	2316A	2313AF	W15 W46	11088
Overseas Evelyn	KFGL	do	2312B	2317B	2313D1F	W16 W47	11089
Overseas Joyce	WQNJ	do	2309A	2310A	CA35MS	W17 W48	11090
Overseas Junea	WWND	do	2312C	2317A	MRU35A	W18 W49	11091
Overseas Natalie	WLEB	Ocean Tankships	2312B	2310A	2313B	W19 W50	11092
Overseas Traveler	WBCC	Intercontinental Transportation	2312C	2317A	2313A MOD2F	W21 W52	11093
Overseas Ulla	WHLC	Ocean Transport	2309A	2310A	2313D1F	W22 W53	11094
Overseas Valdez	WOVS	Overseas Bulktank	ET 8351B	ET 8343	CRM T1B 1300M(B)	W23 W54	11095
Overseas Vivian	KAAZ	Ocean Tankships	ET 8351B	ET 8343	CRM T1A 1300M	W24 W55	11096
Pacific Bear	WEZH	Pacific Far East	2312A	2310A	MRU27A	W25 W56	11097
Panama	KPGL	Litton Industries	ET 8351A	ET 8343	CRM T1A 1035M(B)	W26 W57	11098
Pasadena	KIIG	Trinidad Corp	2312B	2317B	CA35MS	W27 W58	11099
Pecos	KTSN	Sabine T. & T	2312C	2317A	2313E1F	W28 W59	10529
Penn Leader	KKJZ	Penn Shipping	ET 8324A	ET 8325	ET 8323X	W29 W60	10530
Penn Sailor	KIYM	Penntrans Co	155AY	155AY	167BX	W30 W61	10531
Penmar	KNCE	Calmar Shipping	ET 8351A	ET 8343	CRM T1A 1300M	W31 W62	10532
Pennsylvania Sun	WHSJ	Sun Oil Co	2309A	2313A	2313D1F	W 1 W32	10533
Perryville	KUTN	Keystone Shipping	2312D	2317A	2313E1F	W32 W33	10534
Philadelphia	WJGO	Sealand Service	2312A	2310A	MRU27A/MR337 10A	W34 W35	10535
Philippine Mail	KEJP	American Mail Lines	2312B	2310A	2313B	W35 W36	10536
Phillips California	KPBL	Phillips Petroleum	2312B	2317B	2313D1F	W36 W37	10537
Phillips Washington	KEMA	do	2312B	2317B	2313D1F	W37 W38	10538
Pine Tree State	KSLD	States Marine	2312D	2317A	2313E1F	W38 W39	10539
Pioneer Commander	WJNB	U.S. Lines	ET 8351	ET 8343	ET 8365	W39 W40	10540
Pioneer Contender	WMEC	do	ET 8351	ET 8343	ET 8365	W13 W41	10541
Pioneer Crusader	WHAO	do	ET 8351	ET 8343	ET 8365	W11 W42	10542
Pioneer Moon	WJJX	do	ET 8351	ET 8343	ET 8365M	W12 W43	10543
Pittsburg	KOBA	Sealand Service	2312B	2310A	2316B	W13 W44	10544
Planet	KAER	American Condor SS	2312D	2317A	2313E1F	W14 W45	10545
Platte	KIYR	Platte Transport	2312C	2317A	2313A MOD2F	W15 W46	10546
Ponce	WFZY	Sealand Service	2312D	2317C	2313C1F	W16 W47	10547
Ponce De Leon	WPJR	Transamerican Trailer	2312A	2310A	2313AF	W17 W48	10548
Portland	WNDF	Sealand Service	2312A	2310A	2313AF	W18 W49	10549
Portmar	WKFP	Calmar Shipping	ET 8351A	ET 8343	CRM T1A 1300M	W19 W50	10550
Poseidon	WILN	Jack N. Wheeler			N551	W21 W52	10551
Potomac	KPGN	Empire Transport	2312D	2317A	2313E1F	W22 W53	10552
President Adams	KFEO	American President Line	2312B	2317B	CA35MS	W23 W54	10553
President Fillmore	KRDH	do	2305A	2310A	MR192	W24 W55	10554
President Grant	KNLB	do	2305A	2310A	MR192	W25 W56	10555
President Harrison	WCJI	do	2305A	2310A	2306A1	W26 W57	10556
President Jefferson	WPGE	do	2312A	2310A	2306B1	W27 W58	10557
President Johnson	WVHS	do	2312A	2310A	2306B1	W28 W59	10558
President Lincoln	WGXY	do	2305A	2310A	MR192	W29 W60	10559
President Madison	WCIP	do	2312A	2310A	2306B1	W30 W61	10560
President McKinley	WVFZ	do	2215A	2310A	MR192	W31 W62	10561
President Monroe	WLDK	do	2305A	2310A	2306A1	W32 W32	10562
President Pierce	WUBV	do	22312A	2310A	2306B1	W02 W33	10563
President Polk	WNEI	do	2305A	2310A	2306A1	W04 W35	10564
President Taft	WLDT	do	2305A	2310A	MR192	W05 W26	10565
President Tyler	WGNF	do	2305A	2310A	MR192	W26 W37	10566
President Van Buren	WWPI	do	2305A	2310A	MR192	W37 W28	10567
Providence Getty	KTJM	Getty Oil Co	2312C	2317A		W08 W39	10568
Prudential Oceanjet	KNCS	Prudential Grace	2312B	2310A	2313B1F	W39 W40	10569
Prudential Seajet	KFFJ	do	2312B	2310A	2313B	W19 W41	10570
Puerto Rican	WDJU	Hendy International	2312A	2317A	2313A	W11 W42	10571
Puerto Rico	WFJK	Transamerican Trailer	2312C	2317A	MRU35A	W12 W43	10572
Pure Oil	KQSI	Union Oil Co. of California	ET 8351C	ET 8343A	ET 8365C	W13 W44	10573
Rachel V	WAKI	Rachel V SS Corp	ET 8324A	ET 8325	ET 8323X	W14 W45	10574
Ramban	KNLA	Malmonides Transport	2312D	2317A	2313E1F	W15 W46	10575
Raphael Semmes	KGJN	Sealand Service	2312D	2317A	2313E1F	W16 W47	10576
Red Jacket	KAAJ	American Export Isbrandtsen	2312A	2310A	2306B1	W17 W48	10577
Reefer Star	WIBJ	Star Kist Foods	ET 8351C	ET 8343A	CA35MS/CL35	W18 W49	10578
Rice Queen	KWXR	Western Ocean Transport	2312D	2317A	2313D1F	W19 W50	10579
Robert D. Conrad	WHBA	Maritime Operations	ET 8351	ET 8343	ET 8365M	W21 W52	10580
Robert E. Lee	KORD	Waterman SS	2312C	2317A	2313A MOD2F	W22 W53	10581
Robert Toombs	WJDD	do	2312B	2310A	2313BF	W23 W54	10582
Ruth Lykes	KOHB	Lykes Bros. SS	2312BP	2310A	MRU35A	W24 W55	10583
Sabine	KGFA	Sabine T. & T	ET 8351C	ET 8343A	ET 8365C	W25 W56	10584
Saint Louis	KMMF	Sealand Service	2312A	2310A	MRU27R/MR337 10A	W26 W57	10585
Sam Houston	KDGA	Waterman SS	2312C	2317A	2313A MOD2F	W27 W58	10586
Samuel Chase	KFCR	do	ET 8351	ET 8343	CA35MS	W28 W59	10587
San Antonio	KIQJ	Trinidad Corp	2312D	2317A	2313E1F	W29 W60	10588
San Francisco	WTKA	Sealand Service	2312D	2317A	2313E1F	W30 W61	10589
San Juan	KFER	do	2312D	2317A	2313E1F	W31 W62	10590
Do	WRGQ	Puerto Rico Maritime	2312A	2310A	MRU27R/MR337 10A	W01 W32	10591
San Pedro	KTSQ	Sealand Service	2312A	2310A	2313AF	W02 W33	10592
Sandy Lake	KGPM	Chas Kurz & Co	2312D	2317C	2313C1F	W04 W35	10593
Sansinena II	WSIN	Hendy International	2312A	2317A	2313A	W05 W36	10594
Santa Barbara	WLGS	Prudential Grace	ET 8351	ET 8343	ET 8363A	W06 W37	10595
Santa Clara	WKJO	Commerce Tankers	ET 8351	ET 8343	ET 8365M	W07 W38	10596
Do	WLGP	Prudential Grace	ET 8351	ET 8343	ET 8363A	W08 W39	10597

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Santa Cruz	KPCM	do	ET 8051	ET 8043	ET 8063A	W09 W45	10508
Santa Elena	WLGR	do	ET 8051	ET 8043	ET 8063A	W10 W41	10509
Santa Ines	KHHW	do	2012D	2017A	2013E1F	W11 W42	10450
Santa Isabel	WLGT	do	ET 8051	ET 8043	ET 8063A	W12 W43	10451
Santa Lucia	KRFC	do	ET 8051	ET 8043	ET 8063A	W13 W44	10452
Santa Magdalena	KAAH	do	ET 8051	ET 8043	ET 8065	W14 W45	10453
Santa Maria	WIAE	Hendy International	2012C	2017A	2013D1F	W15 W46	10454
Do	KAFC	Prudential Grace	ET 8051	ET 8043	ET 8065M(B)	W16 W47	10455
Santa Mariana	WSNA	do	ET 8051	ET 8043	ET 8065M(B)	W17 W48	10456
Santa Mercedes	WHBH	do	ET 8051	ET 8043	ET 8065M	W18 W49	10457
Santa Monica	WSKX	do	2001A	2002A	2033A	W19 W50	10458
Santa Paula	WENW	Union Oil	2009A	2010A	2013D1F	W21 W52	10459
Santa Rita	WJBA	States SS	ET 8051	ET 8043	ET 8065M	W22 W53	10460
Sealand Commerce	WEUJ	Sealand Service	2012A	2017A	2013A MOD2F	W23 W54	10461
Sealand Consumer	WCHF	do	2012C	2017A	2013A MOD2F	W24 W55	10462
Sealand Economy	WNDJ	do	2012C	2010A	2013AF	W25 W56	10463
Sealand Exchange	KFOU	do	2012A	2017A	2013A MOD2F	W26 W57	10464
Sealand Finance	WJKG	do	2012A	2017A	2013A MOD2F	W27 W58	10465
Sealand Galloway	KHLX	do	2012A	2017A	2013A MOD2F	W28 W59	10466
Sealand Maket	KJVG	do	2012A	2017A	2013A MOD2F	W29 W60	10467
Sealand McLean	WHGA	do	2012A	2017A	2013A MOD2F	W30 W61	10468
Sealand Producer	WJBJ	do	2012C	2017A	2013A MOD2F	W31 W62	10469
Sealand Resources	WJKD	do	2012A	2017A	2013A MOD2F	W01 W32	10470
Sealand Trade	WEUI	do	2012A	2017A	2013A MOD2F	W02 W33	10471
Sealand Venture	KIJH	do	2012A	2010A	2013AF	W04 W35	10472
Seatrain Carolina	WSII	Hudson Waterways	2012D	2017A	2013E1F	W05 W36	10473
Seatrain Florida	WRCX	do	2012D	2017C	2013C1F	W06 W37	10474
Seatrain Georgia	KEJT	Seatrain Lines	2012D	2017C	2013C1F	W07 W38	10475
Seatrain Maine	KRLO	Hudson Waterways	2012D	2017C	2013C1F	W08 W39	10476
Seatrain Maryland	KWOY	do	2012D	2017A	2013E1F	W09 W40	10477
Seatrain Ohio	KUSV	do	2012D	2017A	2013E1F	W10 W41	10478
Seatrain Puerto Rico	KNGR	do	2012D	2017A	2013E1F	W11 W42	10479
Seatrain San Juan	WMWL	do	2012D	2010A	2013E1F	W12 W43	10480
Seatrain Washington	KXAW	do	2012D	2017A	2013E1F	W13 W44	10481
Seattle	KVWH	Sealand Service	2012A	2010A	MRU27AFM2	W14 W45	10482
Sedco 703	KVFL	Sedco, Inc			MRU35A	W15 W46	10483
Sheldon Lykes	KEAY	Lykes Bros. SS	2012BP	2010A	MRU35A	W16 W47	10484
Shenandoah	WIEN	Marine Transport	2012AP	2010A	2013AP	W17 W48	10485
Shirley Lykes	WJDH	Lykes Bros. SS	2012BP	2010A	MRU35A	W18 W49	10486
Siesta	WAYY	Theodore L. Hopkins	ART13B		ART13B	W19 W50	10487
Silver Dove	KPZC	Geneva SS Co	ST 8024A	ET 8025	ET 8023X	W21 W52	10488
Silver Swan	KPYA	Oswego SS Co	ST 8024A	ET 8025	ET 8023X	W22 W53	10489
Sinclair Texas	WJDC	Dover Tanker	2012BP	2010A	2013BPF	W23 W54	10490
Sister Katingo	KPJC	Nautilus Petroleum	ET 8051	ET 8043	ET 8065M	W24 W55	10491
Socony Vacuum	KIGL	Socony Mobil Oil	ET 8051	ET 8043	ET 8065C	W25 W56	10492
Sohio Intrepid	KACK	Mathiasen's Tankers	2012A	2017A	2013AF	W26 W57	10493
Sohio Resolute	KACN	do	2012A	2017A	2013AF	W27 W58	10494
Solon Turman	WNAJ	Lykes Bros. SS	2009A	2010A	MRU35A	W28 W59	10495
Sovereign	KNCG	Sovereign International	2010A			W29 W60	10496
Spirit of Liberty	WNGI	Keystone Shipping	2012A	2010A	2013A MOD2F	W30 W61	10497
Spitfire	KOPC	American Bulk	2012D	2017A	2013E1F	W31 W62	10498
Star	KAIY	American Foreign	2012D	2017A	2013E1F	W01 32	10499
State of Maine	WIWY	U.S. Maritime Academy	ET 8051C	ET 8043	ET 8065C	W02 W33	11200
Steel Advocate	WPIV	Isthmian Lines	2012D	2017C	2013C1F	W04 W35	11201
Steel Surveyor	KVOU	do	ET 8010CA	ET 8010CA	ET 8019AX	W05 W36	11202
Stella Lykes	KNJA	Lykes Bros. SS	2012BP	2010A	MRU35A	W06 W37	11203
Stonewall Jackson	KDDW	Waterman SS	2012C	2017A	2013A MOD2F	W07 W38	11204
Sugar Islander	KCKB	Pyramid Sugar Transport	2012C	2017A	MRU33A	W08 W39	11205
Summit	KXDW	Litton Industries	2012C	2017A	2013A MOD2F	W09 W40	11206
Sunshine State	WEUD	States Marine Lines	2012A	2010A	2013A	W10 W41	11207
Tamara Gulden	WNCL	Zim American Israell	2012B	2010A	2013BPF	W11 W42	11208
Tampa	KKJA	Sealand Service	2012A	2010A	MRU27A FM2	W12 W43	11209
Tampico	KSVB	Mathiasen's Tankers	ET 8051C	ET 8043A	CRM TIC 10009B	W13 W44	11210
Tatalina	KRHC	Juan Perlo	ET 8024A	ET 8025	ET 8023X	W14 W45	11211
Ter	WEQX	Alton SS	ET 8051C	ET 8043A		W15 W36	11212
Texaco California	KCVE	Texaco, Inc	2012C	2017A	2013A	W16 W47	11213
Texaco Connecticut	KFGY	do	2012C	2017A	2013A	W17 W48	11214
Texaco Florida	KEHS	do	2012C	2017A	2012A	W18 W49	11215
Texaco Georgia	WLDW	do	2012C	2017A	2013A	W19 W50	11216
Texaco Illinois	KKTO	do	2012C	2017A	2013C1F	W21 W52	11217
Texaco Kansas	KYNF	do	2012D	2017A	2013E1F	W22 W53	11218
Texaco Maryland	KADG	do	2012A	2010A	2013A	W23 W54	11219
Texaco Massachusetts	KAAD	do	2017A	2010A	2013A MOD2F	W24 W55	11220
Texaco Minnesota	KODU	do	2012D	2017A	2013E1F	W25 W56	11221
Texaco Mississippi	KWEQ	do	2012D	2017A	2013E1F	W26 W57	11222
Texaco Montana	KNDL	do	2012A	2010A	2013AF	W27 W58	11223
Texaco New Jersey	KQQX	do	2012D	2017A	2013C1F	W28 W59	11224
Texaco New York	KGKV	do	2012C	2017A	2013A MOD2F	W29 W60	11225
Texaco North Dakota	KFDG	do	ET 8351	ET 8043	ET 8065C	W30 W61	11226
Texaco Rhode Island	WFDW	do	2012A	2010A	2013AF	W31 W62	11227
Texaco Wisconsin	WIGK	do	ET 8051	ET 8043	ET 8065C	W01 W32	11222
Texan	KPZI	Hendy International	2012D	2017A	2013E1F	W02 W33	11230
Texas Clipper	KVWA	Texas Maritime Academy	2012B	2017B	2013D1F	W04 W35	11219
Texas Sun	WIED	Sun Oil	2009A	2010A	2013D1F	W05 W36	11238
Texas Trader	KTHO	American T. & P	2012A	2010A	2013AF	W06 W37	11232
Thetis	KMJH	Rye Marine	2009A	2010A	2013D1F	W07 W38	11233
Thomas A	KATS	Academy Tankers	2012D	2017C	2013C1F	W08 W39	11234
Thomas E. Cuffe	WIST	Pacific Far East	2012A	2010A	MRU27A FM2	W09 W40	11235
Thomas G. Thompson	KGWT	University of Washington	ET 8051	ET 8043	ET 8065	W10 W41	11236
Thomas Jefferson	KFEI	Pacific Far East	2012B	2017B	2013D1F	W11 W42	11237
Thomas Lynch	KLHM	Waterman SS	2012B	2017B	2013D1F	W12 W43	11238
Thomas M	KIHW	Petroleum Tankers	ET 8051	ET 8043	2013C MOD2F	W13 W44	11239
Thomas Q	KENG	Academy Tankers	2012D	2017C	2013C1F	W14 W45	11240
Thomas Washington	KGWU	Regents of University of California	ET 8351	ET 8043	ET 8065	W15 W46	11241
Thompson Lykes	KFHX	Lykes Bros. SS	2009A	2010A	MRU35A	W16 W47	11242
Tille Lykes	WDOP	do	2012A	2010A	MRU27A FM2	W17 W48	11243
Topa Topa	KSNS	Waterman SS	2012D	2017A	2013E1F	W18 W49	11244
Transchamplain	WPGI	Hudson Waterways	2012A	2010A	2013AF	W19 W50	11245
Transcolorado	KOEW	do	2012AP	2010A	2013APF	W21 W52	11246
Transcolumbia	KPGQ	do	2012AP	2010A	2013APF	W22 W53	11247
Transeastern	KRBY	do	2009A	2010A	CA35MS	W23 W54	11248
Transerie	WRUY	do	2012D	2017C	2013C1F	W24 W55	11249
Transglobe	WSAX	Globe Waterways	155B	149A	167A	W25 W56	11250
Transindiana	KABP	Hudson Waterways	2012AP	2010A	2013A	W26 W57	11251
Transonieda	KSKE	Matson Navigation	2012A	2012A	2013AF	W27 W58	11253

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Transontario	KUQY	Hudson Waterways	2012A	2010A	2013AF	W28 W59	11253
Transpacific	KVMI	Cefer Cargo Ships	155B	149A	167A	W29 W60	11254
Transpanama	KSNP	Hudson Waterways	2012D	2017A	2013E1F	W30 W61	11255
Transsuperior	KYMR	do	2012D	2017A	2013E1F	W31 W62	11256
Trident	KIEA	University of Rhode Island	2012BP	2010A	2013BPF	W01 W32	11257
Trinity	KYRH	Sabine T. & T	ET 8051C	ET 8043	ET 8065C	W02 W33	11258
Tullahoma	KYSG	Chas Kurz & Co	2012D	2017C	2013C1F	W04 W35	11259
Tustumena	WNGW	State of Alaska	2012BP	2010A	2013BP	W05 W36	11260
Typhoon	KDCG	Storm Drilling	ET 8051B	ET 8043		W06 W37	11261
Ultramar	WHDI	Aries Marine Shipping	ET 8051C	ET 8043A	CRM T1C 1000B	W07 W38	11262
Ultrasea	WJCG	do	ET 8051C	ET 8043A	CRM T1C 1000B	W08 W39	11263
USNS Tug Gear	KSIP	U.S. Navy	2012BP	2010A	2013BPF	W09 W40	11264
Utah Standard	KQTI	Standard Oil of California	2012D	2017A	2013E1F	W10 W41	11265
Valley Forge	WRGL	Keystone Shipping	2012A	2010A	2013A MOD2F	W11 W42	11266
Vantage Defender	WHGY	National Transport	2009A	2010A	2013D1F	W12 W43	11267
Vantage Horizon	KCUW	Vantage SS	2012A	2010A	2013AF	W13 W44	11268
Vantage Venture	KKIV	do	155B	155B	156B	W14 W45	11269
Velma Lykes	KVMU	Lykes Bros. SS	2012B	2010A	MRU35A	W15 W46	11270
Virginia Trader	KVKE	American T. & P	2012A	2010A	2013AF	W16 W47	11271
Wacosta	KWMY	Sealand Service	2012D	2017A	2013E1F	W17 W48	11272
Walter Rice	KCSE	Fox Shipping	2012D	2017C	2013C1F	W18 W49	11273
Warrior	KORY	Litton Industries	2012D	207A	2013E1F	W19 W50	11274
Washington	WPHI	States SS	ET 8051	ET 8043	ET 8065M	W21 W52	11275
Washington Mail	WLRK	American Mail	2012B	2010A	2013B	W22 W53	11276
Washington Standard	WSUL	Standard Oil of California	ET 8024R	ET 8025	ET 8023X	W23 W54	11277
Western Comet	KFBM	Western Tankers	2001K	2002K	2003L	W24 W55	11278
Western Pacesetter I	KHDB	Western Oceanic			CA35MS7CL35	W25 W56	11279
Western Pacesetter II	KFBX	do			CA35MS7CL35	W26 W57	11280
Western Pacesetter III	WDBT	do			CA35MS7CL35	W27 W58	11281
Western Sun	KEHJ	Western Sun Shipping	ET 8051	ET 8043	ET 8065C	W28 W59	11282
William T. Steele	WSUD	Texas City Tankers	2012D	2017A	2013E1F	W29 W60	11283
Williamsburgh	WGDA	Anndep SS	2012C	2017A	MRU33A	W30 W61	11284
Wilmington Getty	KTKX	Getty Oil	2012C	2017A	2013A MOD2F	W31 W62	11285
Windsor Victory	KOWX	Winco Tankers	ET 8051C	ET 8043A	ET 8065C	W01 W32	11286
Wyoming	WLGF	States SS	2012B	2010A	HFT 1KJ	W02 W33	11287
Yellowstone	KPGZ	Rio Grande Transport	2012D	2017A	2012E1F	W04 W35	11288
Young America	WGLW	American Export	2012A	2013A	2036A1	W05 W36	11289
Zoella Lykes	WEIN	Lykes Bros	2019A	2010A	MRU35A	W06 W37	11290
Glomar Coral Sea	KUBL	Global Marine	ET 8051C	ET 8043	CRM T1C 1000	W07 W38	11291
Hughes Glomar Explorer	WCHG	Summa Corp	ET 8051C	ET 8043	CRM T1C 1000	W08 W39	11292
Pioneer Contractor	KBJB	U.S. Lines	ET 8051	ET 8043	ET 8065M	W09 W40	11293
San Jacinto	KYSF	Sabile T. & T	ET 8051C	ET 8043A	CRM T1C 1000B	W10 W41	11294
Santa Ana	KGTP	Prudential Grace	ET 8051	ET 8043	ET 8065M	W11 W42	11295

[FR Doc.76-17007 Filed 6-14-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20834; RM-2413; FCC 76-510]

FM BROADCAST STATIONS

Table of Assignments; Muncie, Indiana

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations (Muncie, Indiana).

1. The Commission has before it a petition for rulemaking filed by Muncie Broadcasting Corporation ("MBC"), a statement of Tri City Radio Corporation ("Tri-City") in response to the petition, and MBC's reply to this statement.

2. At issue is MBC's proposal to make a series of channel changes in various Indiana communities in order to make possible the assignment of Channel 285A to Muncie, Indiana, as a second commercial FM assignment. MBC is licensee of a Class II daytime-only station in Muncie and Tri City is licensee of a Class IV full-time AM station in Muncie. Tri City is licensee of a Class B FM station operating on Muncie's only present FM channel. The issue of a possible second FM assignment for Muncie is not a new one; it has been raised by MBC before the Commission on several occasions. In a separate case (Docket No. 20129) MBC had objected to the Commission's refusal to propose assigning Channel 221A as a commercial assignment. MBC did indicate a willingness to drop its objection to assigning Channel 221A on a non-commercial reserved basis if its proposal here (for Channel 285A) were to receive favorable action. In a companion action today we acted to confirm the proposal in the notice in Docket No. 20129 and have assigned Channel 221A to Muncie for educational use. Ordinarily, the expectation is that one of the 20 channels reserved for educational use would be so utilized, but this was not feasible in Muncie because of the potential for interference to reception of Channel 6 TV posed by use of an educational channel. An educational station with significant coverage could be made possible only through use of Channel 221A. Accordingly, we reserved use of Channel 221A for educational purposes even though this precluded making it available to provide Muncie with its second local commercial FM service. This decision did not express a Commission view that such a second commercial FM service was not needed in Muncie. Indeed, we acknowledged the fact that the record supported the view that Muncie could warrant such a second assignment if another channel (such as Channel 285A here proposed) could be appropriately utilized. That, of course, is the question we address here.

3. That a second commercial FM assignment could be justified for Muncie, a city of 69,080 population, needs no extended discussion. Under the Commission's population criteria, a city of this size could warrant as many as 4 FM channels. Clearly a proposal for a second commercial channel merits exploration unless there is a basis for believing that problems exist in doing so or that other even more needed assignments would be foreclosed. It has been argued that problems are involved here which would show that the proposed Channel 285A assignment should not be made. There are three points we have been asked by Tri City to examine: the other channel changes necessary if Channel 285A is to be assigned; the intermixture of classes of channels which would be brought about at Muncie; and the possible reception problems a station on Channel 285A might face. Before considering these questions we should note that the proposal to assign Channel 285A to Muncie does not involve any problem with preclusion on Channel 285A or the various adjacent channels so as to foreclose favorable action on the proposal. Also, if the channel were assigned, an applicant should be able to find a site from which it could operate and comply with the applicable spacing and city coverage requirements. Thus, in terms of the usual criteria, the proposal clearly merits consideration. That being the case, the question becomes one of evaluating whether the three alleged problem areas are sufficient to foreclose consideration of the subject proposal.

4. In order to assign Channel 285A to Muncie it would be necessary to substitute Channel 228A for Channel 285A assigned to Marion, Indiana,[1] and to

[1] Since this channel is used at Hartford City, Indiana, rather than Marion, petitioner suggests a change in the Table to reflect this use. We agree that such would be appropriate. It should be noted that no modification of the station location specified in the station's license is involved. The Table would merely be conformed to the actual use of the channel.

substitute Channel 224A for Channel 228A at Kokomo, Indiana. Also, Channel 228A would have to be substituted for Channel 224A at Lafayette, Indiana. Finally, Channel 228A would have to be deleted as Berne, Indiana's only assignment, with no substitute channel being available as a replacement. However, no interest has ever been expressed in the use of this channel.

5. MBC is willing to reimburse the affected stations for the cost of the channel changes, and the record discloses no significant preclusion or other problems which would occur by virtue of these channel substitutions. Although concern has been expressed because of the proposed removal of the channel assigned to Berne, Indiana, this is not an insuperable difficulty. The channel was assigned to this community of less than 3,000 persons in 1973, upon the specific representation by the petitioner that prompt action would be taken to effectuate use of the channel, but neither the petitioner nor any other party has stepped forward in the intervening three years. The channel would never have been assigned without the expression of interest. Now that it seems clear that there is no such present interest, there is no purpose in refusing to examine whether the channel could be better used elsewhere. Under these circumstances, the lack of a replacement channel is not a necessary obstacle to our consideration of the proposal. Likewise, the fact that some existing stations would have to change channel is not in itself a necessary barrier to favorable action. Their views on the specific changes proposed will be obtained in response to the Orders to show cause we are issuing.

6. Tri City is correct that the Commission ordinarily does not favor an intermixture of classes of channels as would occur here at Muncie. However, there have been exceptions in cases like this one where no additional Class B channels are available and petitioner has expressed a willingness to operate on a Class A channel if it were assigned. In view of the size of Muncie and the lack of any other acceptable way of providing a needed second FM channel, we do not believe that intermixture needs to be viewed as an impediment to making the assignment.

7. Finally, the suggestion has been made that there is a possibility that any station established on Channel 285A would receive interference from the city's existing operation on Channel 281. Channel 281 is 4 channels (800 kHz) removed from Channel 285A. Tri City argues that in such circumstances there is a serious interference potential, and it cites some cases where this has presented a problem. MBC, however, disputes the applicability of these cases, and it cites other situations where such frequency relationships have not produced problems. It also notes that it, not another party, would be affected by any such problem. Nonetheless, it expresses an eagerness to proceed.

8. While it cannot be known at this point that no interference problem could result, we have not been offered a showing adequate to indicate that we should not proceed with this approval. Assignments four channels apart do not violate any of the Commission's engineering criteria embodied in the Table of FM Assignments. In fact, the Commission has made many assignments four channels apart, including an A and a B channel in the same city. Tri City has not offered any evidence to document the likelihood of special problems here. Moreover, it is clear that there is no way the assignment could cause harm to Tri City. In view of MBC's acceptance of any risk involved, we intend to proceed with a consideration of the subject proposal to bring Muncie a second commercial FM service on which comments are invited.

9. The Commission proposes to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules with regard to the communities listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Muncie, Ind	281	*221A, 281, 285A
Berne, Ind	228A	----
Hartford City, Ind	----	228A
Kokomo, Ind	228A	224A
Lafayette, Ind	224A	228A
Marion, Ind	285A	----

10. *It is ordered*, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Three J Radio Corp., shall show cause why its license for Station WWHC, Channel 285A, Hartford City, Indiana, should not be modified to specify operation on Channel 228A at Hartford City, Indiana.

11. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station WWHC may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Three J Radio Corp. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Three J Radio Corp. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Three J Radio Corp. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

12. *It is further ordered*, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Booth American Co. shall show cause why its license for Station WKMO, Channel 228A, Kokomo, Indiana, should not be modified to specify operation on Channel 224A at Kokomo, Indiana.

13. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station WKMO may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Booth American Co. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Booth American Co. to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Booth American Co. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

14. *It is further ordered*, that pursuant to section 316 of the Communications Act of 1934, as amended, Tiprad Broadcasting Co. shall show cause why its license for Stations WXUS, Channel 224A at Lafayette, Indiana, should not be modified to specify operation on Channel 228A at Lafayette, Indiana.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WXUS may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Tiprad Broadcasting Co. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Tiprad Broadcasting Co. to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Tiprad Broadcasting Co. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

16. *It is further ordered*, That the Secretary of the Commission shall send a copy of this order by certified mail, return receipt requested, to Three J Radio Corp., Station WWHC, Hartford City, Indiana; Booth American Co., Station WKMO, Kokomo, Indiana; and Tiprad Broadcasting Co., Station WXUS, Lafayette, Indiana, the parties to whom the orders to show cause are directed.

17. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below.

18. Interested parties may file comments on or before July 15, 1976, and

reply comments on or before July 26, 1976.

Adopted: June 1, 1976.

Released: June 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

1. Pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(b) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-17381 Filed 6-14-76;8:45 am]

[1] Commissioner Reid absent.

[47 CFR Part 73]

[Docket No. 19703; RM-1964]

TELEVISION BROADCAST STATIONS

Table of Assignments; Fresno, Calif.

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Fresno, California).

1. The Commission has before it the Notice of Proposed Rule Making adopted in this proceeding on March 7, 1973, and responsive filings from petitioner, Capital Cities Communications, Inc.[1] and other parties.

2. In response to petitioner's request, the Commission proposed to substitute television Channel 34 for Channel 30 at Fresno, California. Petitioner sought a modification of license for its station now operating on Channel 30 to specify Channel 34. This, petitioner alleged, was necessary in order to correct the unusual interference problems its station had experienced. Now, petitioner indicates that a change in channel no longer appears necessary, and it seeks withdrawal of its proposal so that it will be able to proceed along different lines to deal with these interference problems.

3. The Commission's decision to begin the proceeding was based on petitioner's request. Now that petitioner no longer desires to proceed in this manner, there is no reason not to terminate the proceeding. As a result of this action, the channels assigned to Fresno remain unchanged.

4. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

5. *Accordingly, it is ordered,* That the subject proposal is denied and the proceeding is terminated.

Adopted: June 4, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17382 Filed 6-14-76;8:45 am]

[1] Petitioner changed its name after the proceeding began from Capital Cities Broadcasting Corporation to Capital Cities Communications, Inc.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 211, 212]

NAPHTHAS, GAS OILS AND "OTHER PRODUCTS"

Proposed Exemption From the Mandatory Petroleum Allocation and Price Regulations; Public Hearing

The Federal Energy Administration (FEA) hereby gives notice that, following a preliminary analysis of the impact of regulation of naphthas, gas oils and "other products" (as defined in 10 CFR 211.51) pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), it has tentatively concluded that these products should be exempted from its Mandatory Petroleum Allocation and Price Regulations. Therefore, by this notice of proposed rulemaking, FEA is proposing an amendment to be submitted to the Congress in accordance with the provisions of Section 12 of the EPAA, to exempt naphthas, gas oils and "other products" from the application of the Mandatory Petroleum Allocation and Price Regulations (10 CFR Parts 210, 211 and 212) thereby converting the EPAA to standby authority with respect to the pricing and the allocation thereof.

FEA also gives notice that it will hold a public hearing and receive written comments with respect to its preliminary findings and views concerning this proposed exemption and all other pertinent factors related to this proposal and the potential removal of FEA controls from naphthas, gas oils and "other products." If, after all comments received during the public comment period are fully considered, FEA concludes that its preliminary findings and views are correct, amendments to exempt naphthas, gas oils, and "other products" from regulation will be submitted to the Congress.

Because supplies of crude oil and refined petroleum products have generally been sufficient since the end of the 1973 oil embargo, and FEA's domestic crude oil allocation (entitlements) program equalizes refiners' crude costs to a competitive range, it has been apparent for some time that the complex regulatory program created for the embargo shortage period may no longer be necessary to assure that the original objectives of the program are achieved with regard to some or all products. On the basis of evidence available to FEA, the existence of the price and allocation regulations now tends more to create market distortions than to achieve the objectives of the EPAA.

Although supplies were generally adequate for most of 1975, the future of the EPAA and of the national energy policy was uncertain. In addition, the exemption procedures provided by former Section 4(g) of the EPAA were mechanically somewhat cumbersome. Exemptions could apply, for example, to only one product at a time, and could remain in effect for only 90 days. These limitations, together with the uncertain future of the EPAA, prevented FEA from for-

mulating and implementing a decontrol program during 1975.

On December 22, 1975, the President signed into law the Energy Policy and Conservation Act, which among other things, extended the EPAA, eliminated the cumbersome exemption procedures of section 4(g)(2) and provided new and more flexible exemption procedures in section 455, which added section 12 to the EPAA. In the Conference Report to accompany S. 622, the conferees stated with respect to section 455 of the EPCA:

> The United States still faces a critical energy problem. However, the dimensions of that problem are far different from those which existed in 1973 and were addressed by the EPAA. There is no longer a general shortage of either crude oil or refined petroleum products, with the possible exception of propanes. In many ways, the supply side of the market has returned to near the pre-embargo conditions which prevailed in 1972.
>
> In view of these changed conditions, a comprehensive regulatory structure * * * may no longer be necessary.
>
> Extension of the EPAA and its conversion to a standby authority offers, in addition, the potential for a smooth transition of petroleum markets from a closely regulated state to a large unregulated status subject to standby pricing and allocation authority. [Conference Report to Accompany S. 622, Report No. 94-516, p. 203-204, December 8, 1975.]

FEA recently held a public hearing and received written comments on the reevaluation of FEA regulations issued under section 4(a) of the EPAA. The overwhelming majority of the comments received in that proceeding confirmed the supply situation noted in the Conference Report and advocated the exemption of all refined petroleum products from FEA price and allocation regulations. Following analysis of these comments and other available information, FEA proposed and adopted amendments exempting residual fuel oil from the regulations. FEA has also proposed the exemption of middle distillates from the price and allocation regulations. FEA is continuing the examination of its regulations in light of the comments received in the reevaluation proceeding and other available information with a view toward the exemption of all refined petroleum products where the regulations issued pursuant to section 4(a) of the EPAA are no longer necessary to achieve the objectives of that legislation.

Section 455 of the EPCA provided somewhat more flexibility in the exemption of products. Certain products may be exempted in the same proceeding, for example, and an exemption is no longer limited to 90 days in length. FEA may propose to exempt an oil or product from the regulation prescribed under section 4(a) of the EPAA if it determines that the exemption is consistent with the attainment of the public policy objectives specified in section 4(b)(1) of the EPAA and that the regulation with the exemption provides for the attainment of those objectives, to the maximum extent practicable. An amendment exempting crude oil, residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions with respect to any market level, must be submitted to the Congress before it takes effect. An exemption amendment may take effect if not disapproved by either House within 15 days under expedited Congressional review procedures.

Any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from the allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product.

Any proposed exemption with respect to price must be accompanied by a finding that (1) competition and market forces would provide adequate protection for the consumer, and (2) such amendment would not result in inequitable prices for any class of user.

Any exemption amendment submitted to the Congress must also be accompanied by an analysis of and FEA's views on the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the regulation under section 4(a) of the EPAA is subject to the reimposition of the controls if FEA determines that reimposition is necessary for and consistant with the objectives specified in section 4(b)(1). Subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

FEA is considering the exemption of naphthas, gas oils and "other products" from the Mandatory Petroleum Allocation and Price Regulations at this time because recent surplus supplies indicate that market conditions appear to justify an end to controls. For purposes of this proposed exemption, "naphthas" means petroleum fractions other than motor gasoline, aviation gasoline, aviation jet fuel or special naphthas, hexane or other specific hydrocarbon constituents, made up predominantly of hydrocarbons whose boiling points fall within the temperature range of 85° to 430° F. "Gas oils" means petroleum fractions made up predominantly of material which boils at or above 430° F, including heavy aromatic gas oil used as carbon black feedstock, but excluding process oils and refined lubricating oils. "Other products" is used herein as that term is defined in 10 CFR 211.202:

> "Other products" means allocated products which are not subject to allocation under Subparts D through J of this part, including benzene, toluene, mixed xylenes, hexane, lubricants, greases, special naphthas (solvents), lubricant base stock oils and process oils.

Naphthas, gas oils, and "other products," as set forth above, constitute only about 6% of total domestic refinery yield.

Section 12(c)(2) of the EPAA requires that an exemption amendment apply to only one refined petroleum product or one refined product category, and specifies that all or any portion of the group of refined petroleum products (other than motor gasoline, No. 2 oils and propane) constitutes a single product category. FEA is proposing the exemption of naphthas, gas oils, and "other products" as a single product category in a single notice of proposed rulemaking, and has issued a single document containing its preliminary findings and views related to the exemption. Upon conclusion of this rulemaking, FEA will determine whether an exemption of this product category should be adopted and will, as required by Section 12 of the EPAA, submit any exemption amendment for this product category to the Congress for review of FEA's findings and views supporting such exemption.

Comments are requested on whether the refiners' price rules should be amended in this proceeding to limit, between now and the effective date of the exemption proposed herein, the reallocation of increased product costs and increased non-product costs (including any unrecovered increased costs which have been banked for future recovery) which is currently permitted with respect to the products proposed to be exempted.

The refiners' cost allocation formulae of § 212.83(c) provide that the portion of a refiner's total increased costs of crude oil and increased non-product costs which are incurred in a month of measurement and which are attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil must be excluded from the amount of increased costs which may be passed through in prices charged for covered (i.e., non-exempt) products. Increased costs incurred with respect to purchases of exempt products are excluded from the total of increased costs of purchased product permitted to be included in maximum allowable prices charged for covered products. These exclusions effectively prevent increased costs incurred beginning with the month prior to the effective date of the exemption of a product and attributable to that exempt product from being passed through in prices charged for non-exempt products. However, in light of the substantial amounts of unrecovered increased costs currently allocable to maximum allowable prices for naphthas, gas oils, and "other products", and in consideration of the fact that these costs could be reallocated under current price rules to maximum allowable prices for gasoline and other general refinery products prior to the effective date of any exemption, FEA proposes to limit the reallocation of any such costs, effective as of the date of this notice, if the proposed exemption of naphthas, gas oils, and "other products" is adopted. Although no specific amendment to § 212.83 is being proposed in this regard, FEA requests comments on both the extent and the effective date of this proposed limitation in light of the seasonal pricing patterns for gasoline and any other historic pricing practices relevant to this

issue. FEA also requests comments on the method by which this limitation would be most effectively implemented, including the manner of determining which portion of the general refinery products bank is properly attributable to products proposed to be exempted in this proceeding. Further conforming amendments to the Mandatory Petroleum Price Regulations, beyond the simple exemption proposed herein, may be necessary so that the price rules fully reflect the exemption of products pursuant to this proceeding.

FEA has determined on the basis of currently available data that this exemption would be consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA. Those objectives are as follows:

(a) Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

(b) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transpotration facilities and services which serve the public at large);

(c) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(d) Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(e) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(f) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(g) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

(h) Economic efficiency; and

(i) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

FEA's preliminary conclusions, based on information currently available to FEA, are that since an adequate supply is anticipated, the allocation and pricing of naphthas, gas oils, and "other products" are not necessary to protect the public health safety and welfare (section 4(b)(1)(A)); the maintenance of agricultural operations (section 4(b)(1)(B)); or the maintenance of exploration for and production or extraction of fuels (section 4(b)(1)(F)). Adequate supply and the positive effects of increased competition should insure that the proposed exemption is consistent with the preservation of an economically sound petroleum industry (section 4(b)(1)(C)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products (section 4(b)(1)(E)); economic efficiency (section 4(b)(1)(G)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(H)). The proposed exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(D)). FEA emphasizes that these conclusions are preliminary and invites specific data, views and arguments with respect to the relationship between the objectives of the EPAA and the exemption contemplated by this proposal. Any information received with respect to the objectives will be considered by FEA in formulating its final conclusions.

FEA's specific preliminary findings and views on the exemption proposed hereby and the data and information in support thereof are set forth in a document entitled "Preliminary Findings and Views Concerning the Exemption of Naphtha, Gas Oil and 'Other Products' From The Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Interested persons may obtain copies of the Preliminary Findings by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies will also be available at the FEA Press Room, Room 3138, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Naphthas, gas oils and "other products" are not in short supply.

Sufficient refining capacity exists, both in the U.S. and abroad, to adequately satisfy projected U.S. demand.

(2) Exemption of naphthas, gas oils and "other products" from the Mandatory Petroleum Allocation and Price Regulations would not have an adverse impact on the supply of any other oil or refined product subject to the Act.

(3) Competition and market forces are adequate to protect consumers, following such an exemption from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

(4) Such an exemption from regulation will not result in inequitable prices for any class of user.

The Preliminary Findings also indicate FEA's tentative views concerning the potential economic impacts of exempting napthas, gas oils and "other products" from the Manadatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA believes that the proposed exemption may have a positive effect on competition. The proposed exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis concludes that there will be no effect of the proposed exemption on the rate of unemployment in the United States, on the Consumer Price Index on the implicit price deflator for the gross national product.

Although FEA has not proposed a specific effective date for this exemption, FEA is aware that a certain time must be provided between the date of promulgation of this amendment, should it be adopted, and the date on which it takes effect, to permit parties currently subject to the regulations to make alternative supply arrangements. FEA has tentively concluded that thirty to forty-five days should provide sufficient time for completing such arrangements without unduly delaying the implementation of the exemption, and specifically requests comments from interested parties as to the adequacy of this conclusion.

Public hearings in this proceeding will be held beginning at 9:30 a.m. on July 1, 1976, and will be continued if necessary, on July 2, in Room 2105, 2000 M Street, N.W., Washington, D.C., in order to receive comments from interested persons.

Any person who has an interest in the proposed amendment or who is a representative of a group or class of persons that has an interest in the proposed amendment, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., 20461, and must be received before 4:30 p.m., June 24, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The person making the request should describe briefly the interest concerned; if appropriate, to state he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 30, 1976. Each per-

son selected to be heard will be so notified by the FEA before 4:30 p.m., EST, Wednesday, June 28, 1976, and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W. Washington, D.C., 20461, before 4:30 p.m., EST, on June 30, 1976.

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

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

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. before 4:30 p.m., EST, June 28, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

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

Comments should be identified on the outside envelope and on documents submitted to the FEA, Executive Communications, with the designation "Exception of Naphthas, Gas Oils and "Other Products." Fifteen copies should be submitted. All comments received by July 7, 1976, and all relevant information will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator commented as follows:

As the draft notice of proposed rulemaking indicates, FEA has prepared an environmental assessment for these proposed revisions to 10 CFR. EPA intends to review this assessment prior to commenting on the environmental impact of the proposed rulemaking. Should we identify any environmental concerns as a result of that review, we will provide comments to FEA during the general review period outlined in the draft notice of proposed rulemaking.

In addition, the FEA has determined through an environmental assessment that exemption of gas oils and "other products" from regulation will not significantly affect the quality of the human environment. As a result, no environmental impact statement will be prepared respecting these products. However, the assessment of the environmental impact of exempting naphthas has not been completed, and a final decision on whether the preparation of an environmental impact statement for this product is required has been deferred pending completion of this hearing. Accordingly, FEA invites public comments and information concerning the environmental effects, if any, of this aspect of the proposal or any reasonable alternative. FEA will review the information thus received to determine whether any new facts are adduced which would lead to the conclusion that this proposal may significantly affect the quality of the human environment and take any further action under the National Environmental Policy Act of 1969 as may be appropriate.

Copies of the environmental assessment on the proposed exemption of gas oils and "other products" will be available upon request from the FEA Office of Communications and Public Affairs, Room 2140, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the document will also be available for public review in the FEA Information Access Reading Room, Room 3116, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. Interested persons may submit comments and information concerning this environmental assessment to Executive Communications, Room 3309, Federal Energy Administration, Box HO, Washington, D.C. 20461.

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

In consideration of the foregoing, it is proposed to amend Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., June 10, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 210.35 is amended by adding paragraphs (c), (d) and (e) to read as follows:

§ 210.35 Exempted products.

* * * * *

(c)(1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

(d)(1) Gas oils as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Gas oil as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(e)(1) Other products as defined in § 211.202 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Benzene, greases, hexane, lubricant base oil stocks, lubricants, special naphthas (solvents), toluene, unfinished oils, xylene and other finished products, as those terms are defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

2. Section 211.1 is amended in paragraph (b) by adding new subparagraphs (6) and (7) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.*

* * * * *

(6) Notwithstanding the provisions of Subpart J of this part, naphthas and gas oils are excluded from this part.

(7) Notwithstanding the provisions of Subpart K of this part, other products, as defined in § 211.202 of this part are excluded from this part.

3. Subpart C of Part 212 is amended by adding a new § 212.56 to read as follows:

§ 212.56 Naphthas, gas oils, and general refinery products other than propane, butane, and natural gasoline.

Naphthas, gas oils, and general refinery products other than propane, butane, natural gasoline, and aviation gasoline are exempt from the provisions of this part.

[FR Doc.76-17407 Filed 6-10-76;4:06 pm]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1109]

[Ex Parte No. 324]

STANDARDS AND PROCEDURES FOR ESTABLISHING RAILROAD RATES

Notice of Proposed Rulemaking and Order; Seasonal, Regional, or Peak Period Demand for Services

JUNE 10, 1976.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of June 1976.

On February 5, 1976, Pub. L. 94-210, the Railroad Revitalization and Regulatory Reform Act of 1976 (RRRRA), was enacted (90 Stat. 31). Its purpose is to provide "means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy * * *" Embodied in the RRRRA are many changes in the Commission's responsibilities under Part I of the Interstate Commerce Act, the Regional Rail Reorganization Act of 1973, and other related statutes.

Pursuant to section 202(d) of the RRRRA, section 15 of the Interstate Commerce Act was amended by the addition of a new sub-paragraph (17) which reads as follows:

> Within 1 year after the date of enactment of this paragraph, the Commission shall establish, by rule, standards and expeditious procedures for the establishment of railroad rates based on seasonal, regional, or peak-period demand for rail services. Such standards and procedures shall be designed to (a) provide sufficient incentive to shippers to reduce peak-period shipments, through rescheduling and advance planning; (b) generate additional revenues for the railroads; and (c) improve (i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by railroads. Following the establishment of such standards and procedures, the Commission shall prepare and submit to the Congress annual reports on the implementation of such rates, including recommendations with respect to the need, if any, for additional legislation to facilitate the establishment of such demand-sensitive rates.

It is clear that the intent of section 202(d) of the RRRRA is to facilitate the publication of demand-sensitive rates. The regulations and procedures proposed herein, set forth below, are designed for that purpose, i.e., to encourage the publication of seasonal, regional, and peak-period rates for rail service by removing any impediments to their publication and by establishing a regulatory climate conducive to experimentation in railroad ratemaking.

In order to encourage experimentation in ratemaking with regard to the publication of seasonal, regional, or peak-period rates, the carriers are hereby assured that such publications will be viewed as having been filed to improve "(i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by railroads". In those instances where a protestant has presented sufficient cause to warrant suspension and/or investigation, the proceeding involving seasonal, regional or peak-period rates will be accorded priority. Further, it is the Commission's intent to be liberal in permitting changes or recissions of innovative rates to ensure that such rates are not frozen in instances where the reason for their publication has expired, or where, for reasons beyond the control of the carrier, the experimental rates have failed to accomplish the purpose for which they were filed.

Congress, as an indication of its concern, has directed that the Commission submit to it annual reports of the implementation of seasonal, regional, and peak-period rates, "including recommendations with respect to the need, if any, for additional legislation to facilitate the establishment of demand-sensitive rates." To accomplish the objectives of 15(17), as amended, including the reporting requirement, we propose to adopt the standards and procedures below. In the event a proceeding is instituted, the proposed regulations will ensure development of an adequate record. Thus, we believe the new rules will facilitate expeditious decisions without imposing burdensome evidentiary requirements.

To assist the Commission in complying with the objectives of section 202(d) of the RRRRA and to assure the formulation of appropriate standards, respondents and other interested parties wishing to comment on the proposed rules, set forth below, should do so by filing written statements of facts and arguments. Where possible, these comments should be submitted in the format set forth in Appendix A. Comments are desired on all matters addressed in Appendix A, but a significant change in procedures is suggested by the Part III G proposed establishment of a Commission policy allowing publication of demand-sensitive rates by proponent carrier or carriers subject to cancellation on 30 days' notice after a specific date without suspension of the cancellation. Thus, comments on that proposal would be of particular interest.

For purposes of identification and to assist us in reporting to Congress, we propose to require a notice on the title page of the tariff indicating that the tariff or supplement contains seasonal, regional, or peak-period rates. Such a requirement will inform the Commission of all proposals of this nature so that expeditious handling may be accorded. A similar special notation in transmittal letters is proposed in order to provide notice to other interested parties. (See proposed rules § 1109.10(a) to (d) inclusive.)

Guidelines for the submission of cost and revenue data have been established (see proposed rules § 1109.10(e) and (h)), to assist the carriers in preparing a justification statement (optional) or their evidentiary case if a formal proceeding is instituted. The cost and revenue data has been confined to the minimum information needed to determine whether the proposed rate complies with the section 15(17) mandate to develop a standard designed to "generate additional revenues for the railroads." The definitions of the terms used in formulating the guidelines are set forth in § 1109.10(h)(1). Although the guidelines place emphasis on the variable cost level, this should not preclude the parties to this proceeding from suggesting other appropriate standards. It is our intention that the procedures ultimately adopted will provide the flexibility necessary for innovative ratemaking.

As previously indicated, section 15(17) as amended, requires the Commission to submit annual reports to Congress. Accordingly, the proposed regulations require rail carriers to submit appropriate information within 45 days following the last day of the effective seasonal, regional or peak-period rates. (See proposed rule § 1109.10(i).)

Wherefore, in order to provide opportunity for full consideration of the proposed rules and any related matters:

It is ordered, That a proceeding be, and it is hereby, instituted under section 15 (17) of the Interstate Commerce Act with the objective of creating standards and expeditious procedures for the establishment of railroad rates based on seasonal, regional, or peak-period demand for rail services.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423, on or before 30 days from the date of service of this notice, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible: (a) To conserve time, (b) to avoid unnecessary expense to the public, and (c) to have service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intent to participate shall include a detailed specification of the extent of such person's interest; including (1) whether such interest extends merely to receiving Commission releases in this proceeding; (2) whether such person genuinely wishes to participate by receiving or filing initial and/or reply statements, and by attending and/or participating in the public hearing if deemed necessary; (3) if participation as described in (2) is desired, whether such person will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint

statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission; and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding. The Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must filed.

It is further ordered, That in view of the fact that section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 requires completion of this proceeding within 12 months of the date of enactment (February 5, 1976), an expedited procedure will be followed in this proceeding and extension of any due dates established herein are not contemplated. Following the preparation of the service list, a procedural order will be entered designating due dates for submission of evidence and arguments. No oral hearing is contemplated unless a need therefor is later determined.

And it is further ordered, That a copy of this notice and order be served on each respondent, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission. (Chairman Stafford did not participate.)

ROBERT L. OSWALD,
Secretary.

It is proposed to amend § 1109.10 by adding thereto as follows:

§ 1109.10 Standards and expeditious procedures for establishing railroad rates based on seasonal, regional, or peak-period demand for rail services.

(a) *Definition.* The phrase seasonal, regional, or peak-period rates, refers to rates which are intended to (1) provide sufficient incentive to shippers to reduce peak-period shipments, through rescheduling and advance planning; (2) generate additional revenues for the railroad; and (3) improve (i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by the railroads, as required by section 15(17) of the Interstate Commerce Act.

(b) *Title page.* In addition to requirements of 49 C.F.R. § 1300.3, a tariff title page must also state whether the tariff or supplement contains seasonal, regional, or peak-period rates as defined in § 1109.10(a).

(c) *Letters of transmittal.* In connection with seasonal, regional or peak-period rates filed with the Commission, letters of transmittal (required by 49 C.F.R. 1300.29) must also bear the following notation, when applicable:

This tariff (or supplement or loose leaf amendment) contains seasonal, regional, or peak-period rates (see item(s) ____) within the meaning of 49 C.F.R. § 1109.10(a).

(d) *Notice to subscribers.* When applicable, the same information required in § 1109.10(c) shall also be transmitted to each subscriber to the publication.

(e) *Justification statements.* Justification statements may be filed concurrently with seasonal, regional, or peak-period tariffs to show that the proposed rates fall within the purview of § 1109.10 (a). Information of the type specified in § 1109.10(h), if included in the justification statement, would assist the Commission in its initial evaluation of the proposal.

(f) *Protest(s) and investigation.* Protests to a tariff (or supplement) making reference on the title page to § 1109.10 (a) must be verified and filed in accordance with § 1100.42(f). In the event of investigation or suspension, these proceedings will be accorded priority, and modified procedure (49 C.F.R. § 1100.45 to 1100.54), to the extent feasible, will be followed.

(g) *Reply to protest.* Replies to protests of rate proposals under this section should be filed and served promptly in accordance with § 1100.42(e). Respondents are urged to submit the cost and revenue data specified in § 1109.10(h) unless previously furnished under § 1109.10(e).

(h) *Initial statement.* In order to expedite the proceedings in the event of the suspension of tariff schedules, seting forth seasonal, regional or peak-period rates or in the event that investigation without suspension of such schedules is ordered, respondent railroad or railroads shall submit in writing, under verification, within 20 days following service of the order of suspension or investigation cost and revenue data of the type hereinafter specified.

(1) *Definitions.* (i) "Traffic at issue" is that traffic affected by the proposed seasonal, regional, or peak-period rates. For seasonal or peak-period rates it includes similar traffic handled during the so-called "off-seasonal" or "off-peak" periods.

(ii) "Study period" is defined as follows:

(A) For seasonal or peak-period rates, the study period shall consist of the 12-month period ending on the last effective day of the seasonal or peak-period rates. For example, if the seasonal or peak-period rates are effective July 1 through September 30, 1976, the "study period" shall be October 1, 1975 through September 30, 1976. Based on the foregoing, the "off-season" or "off-peak" period will be that period from October 1, 1975 through June 30, 1976.

(B) For regional rates, the study period shall consist of a 12-month period, the first month of which shall not precede by more than 15 months the date on which the tariff proposal is filed.

(2) *Cost and Revenue Data.* (i) For seasonal or peak-period rates, cost and revenue data shall include: (but see 1109.10(h)(4) below).

(A) *The Seasonal or Peak-Period (Specify Period), indicating:*

(*1*) The total variable costs and total revenues (in dollars), assuming the proposed seasonal or peak-period rates were in effect for the specified period; and, the revenue-to-variable cost ratio (percent) resulting therefrom, and

(*2*) The total variable costs and total revenues (in dollars), assuming the proposed seasonal or peak-period rates were not in effect for the specified period; and, the revenue-to-variable cost ratio (percent) resulting therefrom.

(B) *Off-Seasonal or Off-Peak Period (Specify Period)*, indicating the actual or estimated total variable costs and total revenues (in dollars) on the traffic at issue; and, the revenue-to-variable cost ratio (percent) resulting therefrom.

(C) *Full Study Period (Specify Period)*, indicating the total variable costs and total revenues (in dollars) for the full study period, and the revenue to variable cost ratios (percent) resulting therefrom, based on a combination of (2)(i)(a) and (2)(ii) on the one hand, and (2)(a)(i)(b) and (2)(a)(ii) on the other hand.[1]

(ii) For regional "all year" rates, cost and revenue data shall include:

(A) The total variable costs and total revenues (in dollars) for the 1-year study period, assuming the regional rates were in effect, and

(B) The total variable costs and total revenue (in dollars) for the 1-year study period, assuming the proposed rates were not in effect.

(3) *Accompanying Explanation.* A full explanation of the methods, procedures and data used to determine the total variable costs and total revenues as required in items (2) above shall be submitted.

(4) *Alternative Data.* The submission of the above evidence represents data which the Commission believes would provide a basis for meaningful analysis of the lawfulness of such rates. However, respondent railroads may justify their proposal on the basis of other relevant evidence or cost levels. A full explanation of the methods and procedures used shall be provided.

(i) *Reporting Requirements.* Commencing with the year ending December 31, 1976, and for subsequent years thereafter, until further order, all common carriers by rail, subject to section 20, Part I of the Interstate Commerce Act, shall submit annual information reports showing those seasonal, regional, or peak-period rates published in accordance with section 15(17) of the act, the total mile-

[1] Cost/revenue comparisons are to be submitted for the seasonal or peak-period, off-season or off-peak period and full study period. This will enable the Commission to examine the data on an annual basis, so that costs for a portion of the period would not necessarily be controlling.

age hauled, tonnage carried, and revenues derived therefrom compared with the same statistics from the preceding year. In addition, these reports, which shall be filed with the Commission within 45 days following the last day of the effective seasonal, regional, or peak-period rates, as defined by § 1109.10(a), shall show whether the rates accomplished their intended purpose.

APPENDIX A—MANNER IN WHICH EVIDENCE SHOULD BE SUBMITTED

To expedite analysis of the evidence, parties filing representations in this proceedings (including evidence, if any, related to the National Environmental Policy Act of 1969) are requested to do so in accordance with the following format:

PART I. ANALYSIS OF SEASONAL, REGIONAL, OR PEAK-PERIOD RATES FOR RAIL SERVICES

A. Any commodities and circumstances for which seasonal, regional, or peak-period ratemaking should be encouraged.

B. Data and comments regarding potential for improvements in rail services and revenues should seasonal, regional, and peak-period rates be established pursuant to the proposed rules.

C. Comments on how specific historical information should be used to identify patterns of seasonality, e.g. how might the following topics be used to analyze historical monthly data:

(1) Carloadings & tonnage (by car type);
(2) Car orders (by car type) and unfilled orders;
(3) Commodity production and demand;
(4) Monthly commodity prices;

D. Comments regarding the extent to which seasonal and peak rate differentials result in a greater utilization of rail plant and equipment through the shifting of demand for rail service to periods of under-utilization, noting:

(1) Any class or classes of shippers who will adjust their shipment patterns in response to the rate differential,

(2) And estimating the changes in traffic and net revenues expected to result from such rate differentials.

PART II. COMMENTS ON EXPEDITED PROCEDURES AND EFFECT OF PROPOSED RULES

Comments on the effect, impact or practicality of the rules contained in Appendix A (§ 1109.10(a) to § 1109.10(h)), including (1) emphasis on the advisability of requiring the proponent railroads to come forth with specified cost data (§ 1109.10 (e) and (h)); and (2) any additional information that may assist the Commission in its reports to Congress.

PART III.—OTHER ISSUES

A. Goals (other than those proposed in the RRRRA) that seasonal, regional, or peak-period rates may achieve, explaining what weight these goals should be given in Commission decisions.

B. Comments on why seasonal, regional or peak-period rates have not been widely published in the past, including a discussion of regulatory procedures or further statutory modifications which might be required to encourage such rates.

C. The weight to be given to "comparing the levels of employment," "the movement of goods by rail," and "the financial stability of markets served by the railroads" in Commission decision making.

D. Address whether seasonal volume requirements should be permitted as part of seasonal, regional, or peak-period ratemaking.

E. The term "regional rates" is not defined in the statute and no attempt has been made to define it in the proposed rules. Comments regarding (a) the need for such a definition, and (b) if a definition is needed, what should be included therein, are requested.

F. The applicability and use of Section 207 of the RRRRA to seasonal, regional, or peak-period rates.

G. Comments on establishment of a Commission policy allowing publication of demand-sensitive rates by proponent carrier or carriers subject to cancellation on 30 days' notice after a specific date without suspension of the cancellation.

H. Any other pertinent comments falling within the scope of this proceeding.

[FR Doc.76-17401 Filed 6-14-76;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

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Meeting

In accordance with Pub. L. 92-463 dated 6 October 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs on 9 July at the Rodeway Inn, Tacoma, Washington. The proposed schedule of activities is as follows:

0800 Opening Remarks and Introductions
0830 Remarks Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs)
0900 Department of the Army/U.S. Army Training and Doctrine Command Briefings
1000 Briefings by Representatives of Army National Guard and Army Reserve
1300–1500 Panel Discussion of ROTC Topics

The meeting is open to the public.

ERCOLE M. BARONE,
Lieutenant Colonel, GS Executive Secretary, Army Advisory Panel on ROTC Affairs.

[FR Doc.76-17318 Filed 6-14-76;8:45 am]

U.S. ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: US Army Medical Research and Development Advisory Panel.
Date of Meeting: 8-9 July 1976.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC.
Time: 0830-1600.
Proposed Agenda: Subjects to be considered include briefings on disease hazards and environmental factors which have in the past affected military operations in the Middle-East, Army Medical Department support for contingency planning, communicable disease and immunology, medicinal chemistry, neuropsychiatry, surgery, research budget, contract management, personnel policies, medical aspects of equipment development, and health care operations.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the panel at the time and in the manner permitted by the panel. Interested persons wishing to participate should advise the Executive Secretary, SGRD-RP, Room 8G045, Forrestal Building, Washington, D.C. 20314.

PHILLIP E. WINTER,
Col. MC, Executive Secretary, U.S. Army Medical Research and Development Advisory Panel.

[FR Doc.76-17319 Filed 6-14-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Change of Meeting

This is to provide notice of change of meeting for the Juvenile Justice and Delinquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels the previous meeting date of June 26, 1976 which was published in the FEDERAL REGISTER on June 9, 1976.

The Juvenile Justice and Delinquency Prevention Task Force will be meeting at the Airport Park Hotel, 600 Avenue of Champions, Inglewood, California on Friday, June 25, 1976 from 8:30 a.m. to 5 p.m. The meeting will be open to the public.

The agenda includes the following items:

Consideration of minutes of the June 4-5, 1976 Task Force Meeting.
Report of the NAC June 16-19, 1976 meeting.
Action by the Task Force of NAC requested changes of the Juvenile Justice Standards.
Final Task Force Approval of the Revised Juvenile Justice and Delinquency Prevention Standards and Goals Volume.

The rescheduling one day earlier was necessitated by the unavailability of several members on the originally scheduled meeting day, the impossibility of rescheduling the meeting at a later date because of the early July deadline for the submission of the Task Force's report to LEAA for editing and publication, and the proximity of the Independence Day holiday weekend.

For further information, contact Richard Van Duizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-17582 Filed 6-14-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bakersfield, California, Multiple Use Advisory Board will meet July 23 and 24, 1976, for a field trip of the Eureka Valley Sand Dunes and a formal meeting in Bishop, California, July 24, 1976, at the Bank of America Conference room, 536 North Main Street, Bishop, and Westerner Motel conference room, 150 E. Elm St., Bishop.

The agenda of the two-day meeting will include a tour of the Eureka Valley Sand Dunes for the Advisory Board members, Friday, July 23, 1976, from 1:30 p.m., until approximately 6:00 p.m. On Saturday, July 24, 1976, the Board will hold a formal meeting at the Bank of America Conference room, 536 North Main Street, from 9:00 a.m. to Noon, for a staff presentation on the Eureka Valley Sand Dunes, BLM staff briefing on the proposed Eureka Dunes Management Plan, discussion on rechartering of the Multiple Use Advisory Board, and to receive public inputs on the Eureka Dunes Management Plan and Board rechartering. The Board will re-convene at 1:00 p.m., July 24, 1976, at the conference room of the Westerner Motel, 150 E. Elm Street, Bishop, to consider possible resolutions and advice to the District Manager on the Eureka Valley Sand Dunes Management Plan and the Board's rechartering.

The tour and formal meetings will be open to the public and comments will be received by the Board Saturday, July 24, 1976, between 9:00 a.m. and Noon, at the Bank of America conference room. Public statements to the Board must not exceed five minutes and be limited in content to recommendations concerning the Eureka Valley Sand Dunes Management Plan, and size, composition, operations and charter of the Bakersfield District Multiple Use Advisory Board. Written statements or requests for time to make oral presentations should be made to Chairman Homer Harrison, C/O Bakersfield District Manager, 800 Truxton Avenue, Bakersfield, California 93301, by the close of business Thursday, July 22, 1976.

Dated: June 7, 1976.

LOUIS A. BOLL,
Bakersfield District Manager.

[FR Doc.76-17322 Filed 6-14-76;8:45 am]

Bureau of Land Management

[INT DES 76-22]

CHALLIS PLANNING UNIT, CUSTER COUNTY, IDAHO; DOMESTIC LIVESTOCK GRAZING

Environmental Statement, Extension of Time Period for Comments

The Bureau of Land Management published in the FEDERAL REGISTER of June 7, 1976 (41 FR 22850), a notice concerning the availability of the Draft Environmental Statement for Domestic Livestock Grazing for the Challis Planning Unit in Custer County, Idaho. The statement addresses itself to the domestic livestock grazing management on 340,000 acres of national resource lands in the Challis Planning Unit.

Due to failure of the printing contractor to make timely distribution of all the draft statements, the public hearings are being rescheduled and the period for receiving comments has been extended.

The public hearings are now scheduled to be held at the American Legion Hall, Challis, Idaho, on July 13, 1976, at 9 a.m. MDT, and in the Alturas Room, Rodeway Inn, Boise, Idaho, July 15, 1976, at 9 a.m. MDT.

The comment period has been extended to July 30, 1976. Written comments pertaining to the statement will be accepted by the State Director, Idaho State Office, Federal Building, 550 West Fort Street, Boise, Idaho 83702, until that date.

ARNOLD E. PETTY,
Acting Associate Director.

[FR Doc.76-17435 Filed 6-14-76;8:45 am]

[NM 28086]

NEW MEXICO

Application

JUNE 7, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Dietrich Exploration Company, Inc., has applied for one 3-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 27 N., R. 13 W.,
Sec. 26, W½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 27, S½NE¼ and NE¼SE¼;
Sec. 35, N½NE¼.

This pipeline will convey natural gas across 1.460 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-17321 Filed 6-14-76;8:45 am]

[Cheyenne 073252]

WYOMING

Notice of Application

JUNE 8, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Utilities, Inc. filed an application for a right-of-way to construct a 12¾ inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 95 W.,
sec. 4;
sec. 5;
sec. 9.
T. 33 N., R. 95 W.
sec. 19;
sec. 29;
sec. 30;
sec. 32;
sec. 33.
T. 33 N., R. 96 W.,
sec. 13;
sec. 14;
sec. 24.

The pipeline will transport natural gas from a point in the NE¼ sec. 14, T. 33 N., R. 96 W., to a point in the SW¼ sec. 10, T. 32 N., R. 95 W., in Fremont County Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-17391 Filed 6-14-76;8:45 am]

[Operational Order No. 7]

Geological Survey

PRODUCTION AND ROYALTY MEASUREMENT, EQUIPMENT, AND TESTING PROCEDURES

Notice of Proposed Geothermal Resources

Notice is hereby given that pursuant to 30 CFR 270.11 the Chief, Conservation Division, Geological Survey, proposes to approve GRO Order No. 7 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 7 is to provide requirements relative to production and royalty measurement, equipment, and testing procedures.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Area Geothermal Supervisor, U.S. Geological Survey, Mail Stop 92, 345 Middlefield Road, Menlo Park, California 94025, on or before July 12, 1976.

It is hereby certified that the economic impact of Geothermal Resources Operational Order No. 7 have been carefully evaluated in accordance with OMB Circular A-107.

W. A. RADINSKI,
Acting Director.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 7

EFFECTIVE-----

Production and Royalty Measurement, Equipment, and Testing Procedures

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and 270.12 and in accordance with 30 CFR 270.60, 270.64, 270.74, and 270.75. All geothermal production and the resulting produced energy (electricity) or byproducts, and leasehold operational utilization thereof, shall be measured and monitored in accordance with the provisions of this Order.

All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representatives.

All metering systems shall be approved by the Supervisor prior to installation. Field production metering shall be accomplished with sufficient accuracy to assure that royalty calculations using such measurement data will result in fair market value to the Government, and to enable evaluation of well and reservoir production performance and trends. Where royalty is due on other than a well production basis, i.e., plant output in kilowatt hours or production of byproducts, metering systems used in that regard shall also be approved by the Supervisor.

1. *Metering.* The general requirements and accuracy for measuring production and utilized energy or byproducts of geothermal resources are outlined below:

A. *Measurement of Production.* Surface facilities and measuring devices shall be installed so that the production mass flow rate (or volume, when appropriate) of water and/or steam and the pressure and temperature of the produced fluids from each well are accurately determined. If metering is not to be accomplished on a continuous basis, each well shall be gauged periodically at the frequency prescribed by the Supervisor.

The operator shall maintain detailed records available for inspection by the Supervisor concerning the performance measurements relative to each well. The record shall show average flow rates, temperature, pressure, and any other pertinent data gathered. Except for emergency shut-down or drilling operations, vented production shall also be measured and reported.

Each well shall be equipped to permit fluid sampling for determining the enthalpy and chemical content of produced geothermal fluids. Enthalpy and chemical analysis for each well shall be provided the Supervisor yearly or more frequently if required by the Supervisor.

B. *Royalty Metering.* Metering systems involved in the calculation of royalty values due shall be designed, installed, operated, and maintained to attain the accuracy herein specified. However, the Supervisor may require greater accuracy where conditions dictate that necessity and the technology exists, or may permit a lesser degree of accuracy when physical problems, such as severe corrosion or scaling, preclude attainment of the desired standards.

(1) *Steam.* Dry steam metering systems and the mass flow calculations derived therefrom shall be designed and maintained to achieve an accuracy of ±2.0% of the measured flow.

(2) *Hot Water.* Hot water metering systems and the mass flow or volumetric calculations derived therefrom shall be designed and maintained to achieve an accuracy of ±1.0% of the measured flow.

(3) *Steam and Water (two-phase flow).* Metering of two-phase flow shall be designed and maintained to achieve the maximum reasonable attainable accuracy consistent with the nature of the production to be measured. Due to the complexity and difficulties involved in this type of metering, the Supervisor shall establish the initial accuracy limits for each specific installation based on the nature of existing flow conditions and commensurate with the then existing state-of-the-art. If approved, the operator shall, upon request, demonstrate to the satisfaction of the Supervisor that the metering system(s) employed is operating within the prescribed range of accuracy. The Supervisor is authorized, when warranted, to require modifications in the system consistent with new technology to improve the accuracy of measurement or, when required accuracy is not attainable, to direct that the two-phase fluid flow be separated and the steam and water metered individually.

(4) *Heat Content.* Where the heat content of produced water or steam is the primary use, including but not limited to heating a greenhouse comlex, space heating, and plant processing, metering systems shall be designed and maintained to achieve an accuracy of −2.0% for both the input and discharge flows.

(5) *Electrical Power Output or Consumption.* Where the resource sales payment is equated to kilowatts of electric power output or geothermal-producer electricity is consumed in geothermal operations, the metering systems shall be designed and maintained to achieve an accuracy of ±0.5%.

(6) *Byproducts.* When the byproduct is in liquid form, metering accuracies shall be maintained within ±1.0%. When the byproduct is a solid, measurement thereof shall be either by volume or weight and shall be accurate to ±1.0%.

(7) *Waste Heat.* Waste heat shall be metered in accordance with the standards set forth in 1.B.(4) when such measurements are involved in royalty calculations.

C. *Non-Royalty Metering.* Measurement of produced or injected fluids that are not involved directly in royalty calculations, such as waste waters or injected waters shall be metered with accuracies sufficient to evaluate well, reservoir, and project performance. Such metering systems shall be designed and maintained to achieve an accuracy of ±5.0%, unless otherwise specified by the Supervisor.

2. *Commingling Production.* In accordance with 30 CFR 270.64, the Supervisor may authorize a lessee to commingle production from wells on a lease with production from other leases held by the lessee or by other lessees subject to such conditions as the Supervisor may prescribe. Where utilization of the geothermal resource for energy and/or byproducts involves commingling production from two or more leases, the following conditions and requirements shall be met:

A. The surface facilities, metering, and fluid sampling systems employed shall be approved by the Supervisor.

B. The commercially utilized production leaving each lease shall be measured in accordance with the standards set forth in Section 1 hereof, either on or off the leasehold, in a manner that will allow accurate allocation and royalty calculation for that lease.

3. *Common Storage.* Where commercial utilization involves common storage from two or more leases, e.g., a common brine evaporation pool for production of chemical byproducts, the contributions of each lease to that facility shall be measured in accordance with the standards set forth in Section 1 hereof, either on or off the leasehold, in a manner that will allow accurate allocation and royalty calculation for that lease. The surface facilities, metering, and fluid sampling systems employed shall be approved by the Supervisor.

4. *Meter Testing and Maintenance.* All meters and metering systems will be maintained in acceptable working condition and shall be inspected, tested, and adjusted to meet appropriate design standards. The frequency and stringency of tests shall be prescribed by the Supervisor. The Supervisor may witness any periodic metering system test or inspection, and the operator shall schedule an acceptable time and date for such tests when requested by the Supervisor.

A. *Royalty Meter Tests and Inspections.* The following tests and inspections shall be performed on all meters involved in royalty calculations. Depending on inspection results, the Supervisor may alter the inspection frequencies herein specified.

(1) *Orifice Meter Tests and Inspections.*

(a) Visual functional inspection shall be performed as part of the daily well check. Recorders shall be inspected for malfunctions at that time and repaired if necessary.

(b) Recorders shall be inspected and the calibration checked with master test gauges at least once per month. The equipment used for the calibration check shall verify the differential and static pressure ranges. Field error of a meter exceeding ±1.0% of the meter's differential and static pressure ranges shall require removal of that instrument and installation of a recalibrated instrument.

(c) Orifice plates and meter tube runs shall be inspected by the operator for wear and recalipered to the nearest thousandth of an inch. Worn plates or runs shall be remachined or replaced. The inspection period shall depend on well performance and in the production demand, but meter runs and accessory equipment shall be inspected at intervals not exceeding six months.

(2) *Turbine Meter Tests and Inspections.*

(a) Daily readout checks shall be made to verify functional operation.

(b) At least once every six months, the turbine meter shall be checked for accuracy with a prover. If a discrepancy in excess of ±0.5% over limited range or ±1.0% over stated range is noted, the meter shall be inspected for bearing wear, turbine damage, or corrosion and repaired or replaced as necessary.

(3) *Electrical Meters (Power Meters).*

(a) Inspect daily for function.

(b) A detailed check and inspection shall be accomplished at least once each month.

(c) At least every six months, the meter shall be calibrated with a master meter. The meter shall be repaired or replaced if a discrepancy greater than ±0.5% is found.

(4) *Other Types of Meters.*

(a) Where metering systems depend on static and differential pressure measurements, e.g., venturi or nozzles, testing shall be as outlined above for orifice meters in 4.A.(1).

(b) Testing procedures and frequencies for all other metering systems shall be as approved by the Supervisor.

B. *Non-Royalty Meter Tests and Inspections.* Metering systems measuring produced or injected fluids which are not involved in royalty calculation shall normally be checked at least weekly for functional operation, and be inspected, calibrated, and/or proven at yearly intervals, or at such other intervals as may be required by the Supervisor to demonstrate an overall accuracy of ±5.0%.

5. *Application for Meter Installation.* All metering systems shall be approved by the Supervisor prior to installation. Approval may be obtained by inclusion of the required details in a Plan of Exploration, Development, or Production, or separately by submission of a Sundry Notice, in triplicate, to the Supervisor.

Applications shall include the following information:

A. Purpose of the meter and whether it will be involved in royalty calculations.

B. Location; e.g., Well No. 53–6, SE¼SE¼, Section 6, T. 3 S., R. 10 E., M.D.M.

C. What is to be metered, such as steam, water or combination thereof, and appropriate physical characteristics, such as the temperature, pressure, density, corrosive or scaling tendencies, and a chemical analysis.

D. Anticipated average and range of daily rates to be metered.

E. If the meter is involved in royalty calculations, the estimated monthly gross dollar value that will be measured by the meter and how the measurement will be used in royalty calculations.

F. Drawing of the installation showing piping, locations of equipment, and valves.

G. If not shown in a drawing, indicate (a) type of meter, manufacturer, model number, and range of coverage; (b) pressure ratings of piping, valves, and other equipment; and, (c) design code or standards used for installation design.

H. Anticipated accuracy.

I. Proposed inspection, testing or calibration procedures, and the testing schedule.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76-17283 Filed 6-11-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 4, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Written comments or a request for additional time to prepare comments should be submitted by June 25, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Juneau Division

Juneau, *Alaska Governor's Mansion*, 716 Calhoun St.

Nome Division

St. Michael, *St. Michael Redoubt Site*, at St. Michael Bay

CALIFORNIA

Los Angeles County

Malibu, *Humaliwo (Malibu Site)*, 23200 Pacific Coast.

KENTUCKY

Breckinridge County

Addison vicinity, *Holt, Joseph, House and Chapel*, SW of Addison on KY 144.

Fayette County

Lexington, *Lexington Cemetery and Henry Clay Monument*, 833 W. Main St.

Jefferson County

Louisville, *Cherokee Triangle Area Residential District*, roughly bounded by Bardstown Rd. from Sherwood Rd. to Broadway, E to jct. of Grinstead Dr. and Cherokee Parkway.

LOUISIANA

Natchitoches Parish

Natchitoches vicinity, *Narcisse Prudhomme Plantation*, SE of Natchitoches on Cane River Rd.

MARYLAND

Anne Arundel County

Annapolis vicinity, *Old Colony Cove Site*, S of Annapolis.
Elkridge vicinity, *Elkridge Site*, E of Elkridge.

NEW MEXICO

Bernalillo County

Albuquerque, *Armijo, Salvador, House*, 618 Rio Grande Blvd., NW.

Taos County

Taos vicinity, *Turley Mill and Distillery Site*, 11 mi N of Taos on NM 230.

NEW YORK

Cayuga County

Aurora, *Aurora Steam Grist Mill*, Main St.

Columbia County

Stuyvesant Falls, *Stuyvesant Falls Mill District*, New St. and SR 22.

OHIO

Brown County

Fayetteville vicinity, *Ursuline Center*, NE of Fayetteville off OH 251.

Erie County

Sandusky, *Engels & Krudwig Wine Company Building*, 220 E. Water St.

Franklin County

Columbia, *East Town Street Historic District*, Grant Ave. to Lester Dr., Franklin Ave. to Rich St. (both sides).

Lorain County

Columbia Center, *Columbia Baptist Church*, 25514 Royalton Rd.

Vermilion vicinity, *Mill Hollow House (Benjamin Bacon House)*, SE of Vermilion on N. Ridge Rd.

WASHINGTON

Clark County

Ridgefield vicinity, *Quathlapotl Village Site*, W of Ridgefield.

WISCONSIN

Ashland County

Bayfield vicinity, *Apostle Islands Lighthouses*, N and E of Bayfield on Michigan, Raspberry, Outer, Sand, and Devil Islands (also in Bayfield County).

Door County

Baileys Harbor vicinity, *Cana Island Lighthouse*, NE of Baileys Harbor on E side of Cana Island.

Green County

Monroe, *Chenoweth, Frank L., House*, 2004 10th St.

Ozaukee County

Cedarburg, *Hamilton Historic District*, irregular pattern around jct. of Hamilton and Green Bay Rds.
Waubeka vicinity, *Stony Hill School*, NE of Waubeka on C.R. I.

Rock County

Janesville, *Lappin-Hayes Block*, 20 E. Milwaukee St.

OUTER CONTINENTAL SHELF

Galveston vicinity, *U.S.S. Hatteras*, S of Galveston in Gulf of Mexico.

VIRGIN ISLANDS

St. Croix Island

Christiansted, *Christiansted Historic District*, triangle roughly bounded by the harbor, Peter's Farm Hospital St. and New St.
Christiansted vicinity, *Coakley Bay*, E of Christiansted at Coakley Bay.
Christiansted vicinity, *Diamond School*, W of Christiansted on Centerline Rd.
Christiansted vicinity, *Fair Plain Archeological District*, WSW of Christiansted.
Christiansted vicinity, *Friedensfeld Midlands Moravian Church and Manse*, W of Christiansted.
Christiansted vicinity, *Great Pond Archeological Site*, E of Christiansted.
Christiansted vicinity, *La Grande Princesse School*, NE of Christiansted.
Christiansted vicinity, *Lower Granard Archeological District*, S of Christiansted.
Christiansted vicinity, *Upper Salt River Archeological District*, W of Christiansted.
Frederiksted vicinity, *Aklis Archeological Site*, S of Frederiksted.
Frederiksted vicinity, *Prosperity Archeological Site*, N of Frederiksted.
Frederiksted vicinity, *River Archeological Site*, NE of Frederiksted.
Frederiksted vicinity, *St. Georges Archeological Site*, E of Frederiksted off Centerline Rd.
Frederiksted vicinity, *Whim*, 1.7 mi. SE of Frederiksted on Centerline Rd.

St. John Island

Coral Bay vicinity, *Estate Carolina*, W of Coral Bay on King Hill Rd.
Coral Bay vicinity, *Fortsberg*, SE of Coral Bay.
Cruz Bay, *Keating's Inn*.
Cruz Bay, *Enighed*, Cruz Bay Quarter.

St. Thomas Island

Charolte Amalie, *Charlotte Amalie Historic District*.
Charlotte Amalie vicinity, *Botany Bay Archeological District*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Estate Botany Bay*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Hassel Island*, S of Charlotte Amalie in St. Thomas Harbor.
Charlotte Amalie vicinity, *Krum Bay Archeological District*, NNW of Charlotte Amalie.
Charlote Amalie vicinity, *Krum Bay Archeological District*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Magens Bay Archeological District*, N of Charlotte Amalie.
Charlotte Amalie vicinity, *Tutu Plantation House*, 3 mi. NE of Charlotte Amalie.

[FR Doc.76-16990 Filed 6-14-76;8:45 am]

DAVID HAYWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 9, 1976.

Dated: May 19, 1976.

DAVID HAYWARD.

[FR Doc.76-17324 Filed 6-14-76;8:45 am]

Office of the Secretary

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: June 2, 1976.

EARL D. DRYER.

[FR Doc.76-17323 Filed 6-14-76;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: May 19, 1976.

FREDERICK L. PERETSEN.

[FR Doc.76-17325 Filed 6-14-76;8:45 am]

JOHN R. VOGEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: May 26, 1976.

JOHN R. VOGEL.

[FR Doc.76-17326 Filed 6-14-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Modification of System Notice

Notice is hereby given that pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1461, the Department of the Interior has under consideration modification of the system notice for a system of records which it maintains which is subject to section 3 of the Privacy Act of 1974.

By notice published in the FEDERAL REGISTER on September 26, 1975, 40 FR 44517-44521, the Department adopted a system notice describing the Bureau of Indian Affairs Indian Loan Files (Interior/BIA—13). The Department is now planning computerization of some aspects of the system; this action requires a modification of the system notice. The language of the notice as it is proposed to be revised is set out below.

Comments on the proposed modification may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. All comments received on or before July 15, 1976 will be considered.

Copies of any comments received may be inspected at Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 4, 1976.

System Name: Indian Loan Files—Interior, BIA-13

System location: (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245; (2) Area and Agency offices; (3) Division of ADP Services, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103, or another facility operated by or under contract to the Department of the Interior. (See appendix for addresses).

Categories of individuals covered by the system: (1) Applicants who applied for or received loans; (2) Applicants who applied for or received guaranteed or insured loans.

Categories of records in the system: Loan applications and supporting documents, record of payment cards, guaranty agreements, eligibility certificates, default documents, and/or promissory notes, including financial transactions recording obligations, disbursements, repayments of loans, and payment of premiums, and interest subsidies.

Authority for maintenance of the system: 25 U.S.C. 482, 461, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain a record of payments and unpaid balances and to provide information on payments made for paying interest subsidy, credits obtained, service loans, and premiums paid by lenders. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now maintained by the BIA; (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records; (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or foreign, charged with the responsibility of enforcing or implementing the statute, rule, order or license violated or potentially violated; (5) A history of funds obligated, disbursed and repaid to be used to monitor the program and improve the management of the loan funds.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders and in computerized data files; (2) Retrievability—indexed by individual's name, control number or tribal name; (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal—destroy seven years after loan is paid, canceled, or otherwise disposed of. Automated files will be periodically purged of information on paid in full or cancelled loans. History files will be retained.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedure: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual loan applicants.

[FR Doc.76-17436 Filed 6-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Cancellation

The June 22, 1976 meeting of the Shippers Advisory Committee, announced in the June 4, 1976, issue of the FEDERAL REGISTER (41 FR 22369), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). At its meeting of June 8, 1976, the Committee recommended regulations it deemed appropriate to the current supply situation, and requested that the meeting scheduled for June 22 be canceled.

Dated: June 10, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-17303 Filed 6-14-76;8:45 am]

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Pursuant to sections 9 and 17 of the National School Lunch Act, as amended (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772 and 1773(e)), the income poverty guidelines for determining eligibility of children for free and reduced-price meals in the National School Lunch Program (7 CFR Part 210), School Breakfast Program (7 CFR Part 220), Child Care Food Program (7 CFR Part 226), and commodity only schools (7 CFR Part 210.-15a), and for free milk in the Special Milk Program (7 CFR Part 215) during the period July 1, 1976–June 30, 1977 are prescribed by the Secretary in the following tables.

Under the legislation and applicable regulations, schools, and institutions

which charge for meals separately from other fees, are required to serve free meals and free milk to all children from families whose income is at or below the applicable family size income level indicated by the Secretary's guidelines. Schools, and institutions which charge for meals separately from other fees, are required to serve reduced-price meals to all children from families whose income is at or below 95 percent above the applicable family size income levels in the guidelines.

Each State agency is required to prescribe income guidelines for both free and reduced-price meals and free milk by family size, for use by schools and institutions in the State. The State guidelines for free meals and for free milk may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent. The State guidelines for reduced-price meals must be established at 95 percent in excess of the Secretary's guidelines.

For the convenience of State agencies, the tables also show the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels to be prescribed by State agencies in determining eligibility for free meals and free milk, and the mandatory level for reduced-price meals, respectively. The Secretary's guidelines remain the minimum level for free meals and free milk; all children at or below such levels shall be served free meals and free milk. Guidelines for the Island of Guam are identical to those established for the State of Hawaii.

Income poverty guidelines July 1, 1976–June 30, 1977

Family size	Secretary's guidelines	Guideline levels when increased by—	
		25 pct	95 pct
48 STATES, DISTRICT OF COLUMBIA, TERRITORIES EXCLUDING GUAM			
1	$2,940	$3,680	$5,730
2	3,860	4,830	7,530
3	4,780	5,980	9,320
4	5,700	7,130	11,110
5	6,550	8,190	12,770
6	7,390	9,240	14,410
7	8,160	10,200	15,910
8	8,920	11,150	17,390
9	9,610	12,010	18,740
10	10,300	12,870	20,090
11	10,990	13,730	21,430
12	11,680	14,590	22,770
Each additional family member	690	860	1,340
ALASKA			
1	$3,680	$4,600	$7,180
2	4,830	6,040	9,420
3	5,980	7,480	11,660
4	7,129	8,900	13,890
5	8,180	10,230	15,950
6	9,230	11,540	18,000
7	10,190	12,740	19,870
8	11,150	13,940	21,740
9	12,010	15,010	23,420
10	12,870	16,080	25,100
11	13,720	17,150	26,760
12	14,570	18,210	28,410
Each additional family member	850	1,060	1,650
HAWAII AND GUAM			
1	$3,270	$4,080	$6,380
2	4,290	5,360	8,370
3	5,310	6,640	10,360
4	6,330	7,910	12,340
5	7,260	9,080	14,160
6	8,190	10,240	15,970
7	9,040	11,300	17,630
8	9,890	12,360	19,290
9	10,660	13,330	20,790
10	11,430	14,290	22,290
11	12,200	15,250	23,790
12	12,970	16,210	25,290
Each additional family member	770	960	1,500

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the change in the Consumer Price Index from 1974 to April 1976. This procedure is specified by section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758). The Consumer Price Index is not computed for the State of Hawaii for the month of April. Therefore, the Secretary's income proverty guidelines for Hawaii and Guam are based upon the change in the Consumer Price Index for Hawaii from 1974 to March 1976.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P–60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 amendments to the Older American Act of 1965, Public Law 93–29 (87 Stat. 30); nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses. Furtermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1964.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals; *Provided, however*, That Children whose parents or guardians become unemployed shall be eligible for free or reduced-price meals or free milk during the period of unemployment, if the loss of income causes the family income to be within the eligibility criteria of the school food authority.

Effective date: This notice shall become effective July 1, 1976.

Dated: June 10, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

NOTE.—This document was originally published on Monday, June 14, 1976, at 41 FR 23988.

[FR Doc.76-17427 Filed 6-11-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ALSEMGEEST, ADRIANOS A. C., ET AL.

Export Privileges Restored

In the matter of Alsemgeest, Adrianos A.C.; Alsemgeest, W. & A., N.V.; Delft, Handelmaatschappij N.V.; Gebrs Melman; Gintz, Franz; Gryp, Andre; Hanke, A. & Company; Hanke-Chemie; Hanke, Franz; Hanke, Franz Gunther; Hanke-Ziegler, A.G.; Hannoco, S.P.R.L.; Handelmaatschappij, J.; Smits Import-Export, N.V.; Hayashi, Tadami; Industriele Handelsonderneming v/h Rotterdamsche Production; Kato, Motohisa; Kato, Toshio; Klaasen, A.A.; Klaasen, J.M.A. Lai, Chun Sing; Lai, I.K.; Lai, S.K.; Li, Hsiu Kuang; Mandatare, Treuhand, A.G.; Maru, Tadami; Masumoto, Yoshio; Melman, Petrus; Meyns, Peter; Munich, Kurt; Nanyang Bros. Tobacco Co.; Newark, M. & Co., Ltd.; Obegi, Les Fils de Basile; Obegi, Maurice; Obegi, Raymond; Khan Ghoumrok; Polycomex, S.A.; Pun, Tsze; Rei Shu Ko; Rohimport Trust; Ryuwa Sangyo Co.; SERTI, S.A.; Seto, Wai Man; Siegwart & Hanke; Smits, J.; Smits, J. Import-Export, N.V.; Smits, J. K.; Societe d'Etudes et de Recherches Technique et Industrielles; Spaeth, Anneliese; Spaeth, Karl-Heinz; Takeno, Yonesaburo; TRACOPORT, N.V.; Van de Looveren, N.V., A.M.M.; Van Woerkom, J.C.M.A.; Wing Yick Cheong Co.; Levee and Co.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. § 2021 et seq., and § 2041 et seq., certain parties were denied full export privileges; their names appear on the Table of Denial and Probation Orders, 15 CFR Part 388, Supp. I & II. The current activities of those parties have been scrutinized with view to restoring their export privileges.

The Director, Compliance Division, reported that no party listed above is suspect or is known to have failed to comply with the terms of probation.

The Hearing Commissioner, in view of the Compliance Divisions report, recommends the respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report relative to the respondents he has recommended for restoration and there are none presently suspect in connection with any violations of the United States export laws or U.S. Department of Commerce export regulations. It is fair, fitting and proper that respondents who have so manifested their intentions to comply and are in compliance with the export regulations, be restored to full export privileges. Restoration is in accord with the purpose and intent of the law, the regulations and the policies of this Department.

Therefore, It is ordered, the parties listed above are hereby unconditionally restored to all United States export privileges.

Dated: June 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-17317 Filed 6-14-76;8:45 am]

SCHIFTER AND CO., ET AL.

Amended Order Conditionally Restoring Export Privileges

In the matter of Schifter & Co., Alice Helm, Gerard W. Verschoor, Herbert E. Schifter, Dr. Franz Helm, Holland GeVe Corp.

By Order effective July 20, 1971, 36 F.R. 13339, the respondents, Gerard W. Verschoor and Holland GeVe Corp., were denied all export privileges for an indefinite period because of non-compliance with the Export Administration Regulations in failing to reply to interrogatories concerning facts and circumstances surrounding their employment and relationship with Schifter & Co., et al., parties then denied all export privileges; Orders of May 21 and 25, 1964, 29 F.R. 6697 and 7163. On February 25, 1975, Schifter & Co., Schifter and the Helms were restored to export privileges to the extent of and limited to transactions in commodities exportable under General License, G-DEST, and under certain conditions of probation.

Gerard W. Verschoor has petitioned for his export privileges to be restored. He made representation that his involvement in exports is limited to the purchase and sale of secondhand automobiles, i.e., he is a used car dealer.

The Hearing Commissioner recommended that respondents Verschoor and GeVe be restored to the same extent as Schifter et al., and that probation be imposed in the same manner and subject to the same terms and conditions. He also recommended that Schifter's probation period, including Verschoor and GeVe, be limited to and terminated on May 31, 1982.

I have considered the record and the recommendation of the Hearing Commissioner. I find that conditional restoration of the export privileges of respondents, Verschoor and GeVe, limiting restoration to general license commodities and placing them on probation for a period ending May 31, 1982, under identical terms and conditons as respondents Schifter & Co., et al., is consistent with the purposes of the Export Administration Act of 1969, as amended, 50 U.S.C. § 2401 et seq., and the regulations issued thereunder, 15 CFR Part 368 et seq., Accordingly, It is ordered, the Order of February 25, 1975, 40 FR 10701, is amended by adding the names of respondents Gerard W. Verschoor and Holland GeVe Corp., thereto, and terminating the period of probation (unless sooner accomplished by appropriate order) on May 31, 1982.

Dated: June 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-17316 Filed 6-14-76;8:45 am]

Domestic and International Business Administration

NATIONAL INSTITUTES OF HEALTH ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles 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 each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 74-00508-33-46040. Applicant: National Institutes of Health, Hematology Service, Clinical Pathology Department, Bldg. 10, Rm 5N-242, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM-10. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 75-00297-33-46500. Applicant: University of Tennessee, Department of Ornamental Horticulture, P.O. Box 1071, Knoxville, Tennessee 37901. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 75-00337-33-46500. Applicant: UCLA School of Medicine, 710 Westwood Plaza, Los Angeles, California 90024. Article: Ultramicrotome, Model LKB 8800A. Date of denial without

prejudice to resubmission: January 29, 1976.

Docket number: 75-00344-33-46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00060-33-90000. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: Computerized Axial Body Scanner. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00067-33-90000. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. Article: EMI Scanner Body System (Prototype Design). Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00111-33-46070. Applicant: Medical College of Georgia, Department of Pathology, Augusta, Georgia 30902. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00125-56-17500. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: (2) Recording Current Meters, Model No. 4. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00139-33-46070. Applicant: George Washington University, School for Medicine and Health Sciences, 2300 I Street, N.W., Washington, D.C. 20037. Article: Scanning Electron Microscope, Model JSM-35U. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00159-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Six (6) Recording Current Meters, Model 4. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00179-33-46500. Applicant: University of Rochester School of Medicine and Dentistry, 600 Elmwood Avenue, Rochester, New York 14642. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00189-01-77030. Applicant: Brown University, Providence, RI 02912. Article: Fourier Nuclear Magnetic Resonance Spectrometer, WP-60. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00193-33-90000. Applicant: Orange Memorial Hospital, Inc., 1416 South Orange Avenue, Orlando, Florida 32806. Article: EMI Scanner System: Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00251-33-46500. Applicant: University of Minnesota, 237 Unit K-E, Laboratory Medicine and Pathology, Minneapolis, MN 55455. Article: Ultramicrotome, Model LKB 8800A and accessories. Date of denial without prejudice to resubmission: January 29, 1976.

(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.76-17364 Filed 6-14-76;8:45 am]

VIRGINIA INSTITUTE OF MARINE SCIENCE, ET AL.

Application for Duty-Free Entry of Scientific Articles

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 9581 in the FEDERAL REGISTER of Friday, March 5, 1976 the following amendment is hereby made to reflect more fully the intended uses of the article:

Docket number: 76-00292. Applicant: University of North Carolina at Charlotte, Department of Biology, UNCC Station, Charlotte, North Carolina 28223. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be a multipurpose instrument used as a research instrument by graduates and faculty and as a training scope and teaching aid in several formal courses.

The article is intended to be used for educational purposes in the following courses:

Biology 231: Cell Biology—The structural, functional, and genetic aspects of cells as well as the principles underlying living systems.

Biology 474: Virology—The fundamental aspects of some submicroscopic organisms including methods of study, identification and classification, replicative cycles and selected topics in viral genetics.

Biology 395C: Advanced Microbiology—A highly laboratory oriented course designed to follow general microbiology. Emphasis is on application of techniques and planning and execution of an individual research project.

Biology 497: Investigations in Biology—Individual research projects.

Non-credit: Short course in Electron Microscope Technique—Intensive instruction in scope operation, maintenance, and photographic technique.

Application received by Commissioner of Customs: February 12, 1976.

(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.76-17363 Filed 6-14-76;8:45 am]

Maritime Administration

[Docket No. S-513]

WATERMAN STEAMSHIP CORP.

Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has applied to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-115 to increase from 32 to 40 the maximum number of sailings permitted to be made on its subsidized service on Trade Route No. 18 between U.S. Atlantic and Gulf ports and ports in Southwest Asia from Suez to Burma, and Africa on the Red Sea and Gulf of Aden.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 28, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Administration.

Dated: June 10, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-17408 Filed 6-14-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

This order effective May 19, 1976 supersedes the material appearing at 40 FR 58876 of December 19, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

.02 This revision provides for the transfer of the Bureau of International

Economic Policy and Research (BIEPR) to the Assistant Secretary for Policy; it provides for the transfer of the International Commodities Division from the Office of Import Programs, Bureau of Resources and Trade Assistance, to the Assistant Secretary for Policy; it provides for the transfer of the energy resources and industry programs formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, to the Assistant Secretary, DIB; and it also provides for the transfer of the functions, personnel, funds, property and records relating to such transfers.

SECTION 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SECTION 3. *Scope of authority.* .01 The Domestic and International Business Administration is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the Deputy Assistant Secretary for Domestic and International Business who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for Domestic Commerce.

b. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

c. The Deputy Assistant Secretary for East-West Trade.

d. The Deputy Assistant Secretary for Field Operations.

e. The Deputy Assistant Secretary for Resources and Trade Assistance.

f. The Director of the Office of Energy Programs.

SEC. 4. *Redesignation and transfer.* Pursuant to the authority vested in the Secretary of Commerce by law:

a. The functions, personnel, funds, property, and records of the Bureau of International Economic Policy and Research (BIFPR) are hereby transferred to the Assistant Secretary for Policy.

b. The functions, personnel, funds, property, and records of the International Commodities Division in the Office of Import Programs, Bureau of Resources and Trade Assistance are hereby transferred to the Assistant Secretary for Policy.

c. The functions, personnel, funds, property, and records associated with energy resource and industry programs, formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, are hereby transferred to an Office of Energy Programs reporting to the Assistant Secretary for Domestic and International Business.

SEC. 5. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB, is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.: 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, as amended by Executive Order 11725 of June 27, 1973, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.), and Section 941 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 941), as it relates to certification of special dividend distributions.

m. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

n. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

o. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

p. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended, and extended by the Equal Export Opportunity Act (Public Law 92-412, 86 Stat. 644), and the Export Administration Act Amendments of 1974 (Public Law 93-500, 88 Stat. 1552) and the authority under those Acts delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

2. The submission of reports to the President and to the Congress required by Section 10 of the Act;

q. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

r. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July

29, 1968, as they relate to the exportation from the United States of commodities and products to or on behalf of Southern Rhodesia.

s. Executive Order 11651 of March 3, 1972, regarding Textile Trade Trade Agreements;

t. The Act of October 27, 1972 (Public Law 92–598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington, in 1974;

u. Section 6 of the Federal Water Pollution Control Act amendments of 1972 (Public Law 92–500; 86 Stat. 816; 33 U.S.C. 1251 nt. (Supp. IV 1974)) relating to the preparation of a report from the Secretary of Commerce to the President and to the Congress on the effects of pollution abatement on international trade;

v. Sections 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to the monitoring of imports of certain industrial products under orderly marketing agreements.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 6. *Functions.* The Assistant Secretary, acting as such and as head of DIBA, shall be the principal officer of the Department to conduct Commerce activities aimed at promoting progressive domestic business policies and growth and at strengthening the international trade position of the United States. In this respect he shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy;

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Conduct Commerce programs involving the expansion of international commerce, expansion of East-West trade and other commercial relations; promotion of business-consumer relations; domestic and international labor-management relations; import quota administration; export administration; the collection, analysis and dissemination of selected information on various industries, commodities and markets; the preparation and execution of plans for industrial mobilization readiness; industrial energy resources and utilization; and participate in domestic and international trade fairs and exhibitions as is necessary to the performance of DIBA's functions.

d. Consult with and encourage cooperation and participation of the business community in the Department's domestic and international business programs;

e. Coordinate the Department's domestic and international business programs with other Federal agencies;

f. Provide executive secretariat services and administrative support to the Foreign-Trade Zones Board; and

g. Provide staff support for the industry policy and sector advisory committees, which are the responsibility of the Assistant Secretary for Policy, including identification of product sectors of manufacturing.

SEC. 7. *Savings provisions.* All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending or entered into by or for DIBA shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

SEC. 8. *Transitional provisions.* The Assistant Secretary for Administration, in cooperation with the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Policy, shall determine the amount of funds, positions and personnel to be transferred.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17366 Filed 6-14-76;8:45 am]

[Dept. Organization Order 10-2]

ASSISTANT SECRETARY FOR POLICY

Authority and Functions

This order effective May 19, 1976 supersedes the material appearing at 41 FR 8519 of February 27, 1976.

SECTION 1. *Purpose.* .01 This order prescribes the authority and functions of the Assistant Secretary for Policy.

.02 This revision reflects the transfer to the Assistant Secretary for Policy of the organizations and functions of: (1) the International Commodities Division in the DIBA Office of Import Programs; and (2) the DIBA Bureau of International Economic Policy and Research. It also provides for the transfer to DIBA of the functions and personnel associated with the energy resource and industry programs in the former Office of Energy Policy and Programs, renamed as the Office of Energy and Strategic Resource Policy.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by the Act of February 14, 1903 (15 U.S.C. 1504), is hereby designated as the Assistant Secretary for Policy (the "Assistant Secretary"). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Redesignation and transfer.* .01 The Office of Energy Policy and Programs is hereby redesignated as the Office of Energy and Strategic Resource Policy. The functions, personnel, funds, property and records associated with energy policy matters shall remain with the redesignated office. The functions, personnel, funds, property and records associated with energy resource and industry programs are hereby transferred to DIBA. The functions, personnel, funds, property and records of the International Commodities Division transferred from DIBA are assigned to the Office of Energy and Strategic Resource Policy.

.02 The Bureau of International Economic Policy and Research is hereby transferred from DIBA and is assigned to the Assistant Secretary for Policy.

SEC. 4. *Delegation of authority.* Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary for Policy is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903, (15 U.S.C. 1512 et seq., 15 U.S.C. 171 et seq.) as amended, as necessary to carry out the functions of the offices under him;

b. Section 4221 of the Internal Revenue Code of 1954, (26 U.S.C. 4221) and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

c. Sections 135 and 104 of the Trade Act of 1974 (88 Stat. 1978, 19 U.S.C. 2155 and 2114) and Section 4(d) of Executive Order 11846 of March 27, 1975, relating to direct negotiation support and the policy matters associated with industry policy and sector advisory committees;

d. Sections 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to quantitative import restrictions and monitoring of imports under orderly market agreements.

e. The Foreign Investment Study Act of 1974 (Public Law 93–479, 88 Stat. 1450, 15 U.S.C. 78b. note), which provides for a comprehensive, overall study of foreign direct investments in the United States. The functions thereunder shall be carried out in close coordination with the Bureau of Economic Analysis (Department Organization Order 35–1A, subparagraph 3.01d.), including thereunder to the extent feasible the division of assignment of responsibilities. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary; and

f. Executive Order 11858, of May 7, 1975, relating to foreign investment in the United States.

SEC. 5. *Functions.* The Assistant Secretary shall:

a. Serve as the principal adviser to the Secretary on matters relating to the assessment of regulatory impacts on business and industry, on policy matters associated with energy and resource development, on international economic policy development, and on other selected policy development matters of direct concern to the Secretary;

b. Provide for the Secretary coordinative and integrative services on broad policy matters concerning more than one operating unit of the Department; and

c. Serve as Executive Director of the Department Policy Council.

SEC. 6. *Office of the Assistant Secretary for Policy.* The Office of the Assistant Secretary shall consist of:

a. A Special Assistant and Director of Special Studies; and

b. Such Departmental offices as the Assistant Secretary, in conjunction with the Assistant Secretary for Administration, may establish for the purpose of assisting him in carrying out his functions and responsibilities. A list of these offices is appended hereto, and shall be kept current by the Assistant Secretary. These offices currently include the Office of Energy and Strategic Resource Policy, the Office of Policy Development and Coordination, the Office of Regulatory Economics and Policy and the Bureau of International Economic Policy and Research.

SEC. 7. *Transitional provisions.* The Assistant Secretary for Administration, in cooperation with the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Policy, shall determine the amount of funds, positions and personnel to be transferred.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

APPENDIX

DEPARTMENTAL OFFICES COMPRISING THE OFFICE OF ASSISTANT SECRETARY FOR POLICY

Office of Energy and Strategic Resource Policy
Office of Policy Development and Coordination
Office of Regulatory Economics and Policy
Bureau of International Economic Policy and Research

[FR Doc.76-17365 Filed 6-14-76;8:45 am]

[Dept. Organization Order 35-2A]

BUREAU OF THE CENSUS

Authority Delegation

This order effective May 17, 1976 further amends the materials appearing at 40 FR 42765 of September 16, 1975, 40 FR 58879 of December 19, 1975 and 41 FR 8519 of February 27, 1976.

Department Organization Order 35-2A of August 4, 1975 is hereby further amended as shown below. The purpose of this amendment is to delegate, to the Director, Bureau of the Census, the Secretary's authority under Sections 282, 410, 608, and 609 of the Trade Act of 1974.

SEC. 3. *Delegation of Authority.* A new subparagraph .01d. is added to read as follows:

"d. Sections 282, 410, 608, and 609 of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978), which require the Secretary, in cooperation with other government agencies, to provide, monitor, or coordinate certain trade information and to provide import and export statistics to Congress and the International Trade Commission. Section 608 amends section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to provide for the establishment of uniform statistical data on imports, exports, and production. The functions under the Trade Act of 1974 shall be carried out in close coordination with the Assistant Secretary for Domestic and International Business. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17368 Filed 6-14-76;8:45 am]

[Dept. Organization Order 35-2B]

BUREAU OF THE CENSUS

Statement of Organization and Assignment of Functions

This order effective April 27, 1976 supersedes the material appearing at 40 FR 56703 of December 4, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The major changes made in the Bureau's organization and assignment of functions include: the consolidation of the Associate Director for Administration and the Associate Director for Field Operations and User Services into one Associate Director for Administration and Field Operations with Assistant Directors for Administration and Field Operations (Section 4.); the consolidation of the Congressional Liaison Office with the present Program Planning Staff which is retitled the Program and Policy Development Office (subparagraph 3.03a.); the transfer of the Geography Division to the Associate Director for Administration and Field Operations (subparagraph 4.01a.); consolidation of the Management Information System Staff with the Management and Organization Division and change of division name to Organization and Management Systems Division (subparagraph 4.02d.); assignment of Agriculture Census functions to the retitled Assistant Director for Economic and Agriculture Censuses (paragraph 6.02); and the creation of an Electronic Data Processing Planning and Management Division (subparagraph 8.01d.)

SEC. 2. *Organization structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The Director determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Management and Budget.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 Staff Elements.

a. The Program and Policy Development Office shall assist in the overall planning, review and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long range policy and resource planning for the Bureau as a whole. The Office shall provide emergency planning support to the Bureau and shall assist and advise the Director in these matters. It shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

b. The Public Information Office shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Communications (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

c. The Equal Employment Opportunity Officer designated under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity" and shall participate in the planning and direction of the Equal Employment Opportunity program.

SEC. 4. *Office of the Associate Director for Administration and Field Operations.* .01 The Associate Director for Administration and Field Operations shall provide administrative management services to all components of the Bureau; direct programs of field data collection and non-computer processing operations; conduct programs of geographical services; and direct the coordination of the Bureau's user program through both Headquarters and Regional Offices and advise the Director in these fields. He shall have direct responsibility for the following units:

a. The Geography Division shall plan, coordinate and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

b. The Data User Services Division shall devise, test, and apply techniques of improving access to the Census data base, research new techniques for incorporation into regular Bureau operations and procedures to improve all services to

data users; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, maps, etc.; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements and coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as a whole.

.02 The Assistant Director for Administration shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Administrative Services Division shall provide administrative services to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations.

b. The Budget Division shall perform budget functions which shall include preparation of official budget estimates and justification and allocation and control of all funds.

c. The Finance Division shall perform financial analysis, maintenance of financial accounts, coordination of payroll and leave audits, and preparation of financial reports.

d. The Organization and Management Systems Division shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

e. The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

.03 The Assistant Director for Field Operations who shall also head the Field Division shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Data Preparation Division located in Jeffersonville, Indiana, shall carry out non-computer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by Census records, as provided by law.

b. The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Regional Offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

SEC. 5. *Office of the associate director for demographic fields.* .01 The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields and shall have and direct the following units:

a. The Office of Demographic Analysis shall provide support in developing law enforcement statistics; conduct research on the need for additional statistics; develop data sources; conduct research into possible data gaps; develop recommendations to fill these needs; and develop reports and publications.

b. The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform non-mechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

c. The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research for and prepare special analytical reports, monographs, and special studies.

d. The International Statistical Programs Center shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical programs of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

e. The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

f. The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The Assistant Director for Demographic Censuses shall assist the Associate Director for Demographic Fields; shall direct and provide planning and coordination for the demographic censuses and shall have and direct the following unit:

The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, and computer programming; and organize and conduct pretest research programs.

SEC. 6. *Office of the Associate Director for Economic Fields.* .01 The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields; he shall have and direct the following units:

a. The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

b. The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and

prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

c. The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform non-mechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare special reports, monographs, and studies.

d. The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

e. The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

.02 The Assistant Director for Economic and Agriculture Censuses shall assist the Associate Director for Economic Fields; he shall direct and provide planning and coordination for the following units:

a. The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

b. The Economic Census Staff shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The Economic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing and dissemination of statistical data from surveys or censuses relating to the transportation industry.

SEC. 7. *The Office of the Associate Director for Statistical Standards and Methodology.* .01 The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs for the enhancement of the availability and utility of data to meet State and local government needs, and shall advise the Director in these fields; he shall have and direct the following units:

a. The Center for Census Use Studies shall plan, coordinate, and develop systems that will allow efficient interrelating of Census Data with other local and State data to meet specific needs; explore current uses and future needs of Census and local data; and investigate the benefits of cooperative data collection between the Bureau and other local, State, and Federal agencies and the level of detail and form in which Census data should be made available to local users both in the Government and private sector; develop and analyze programs to allow the rapid conversion of Census data into information useful to local communities for analysis; publish reports relating to such programs; and serve as Census liaison to Federal agencies sponsoring the studies.

b. The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

.02 The Assistant Director for Statistical Standards and Methodology shall assist the Associate Director for Statistical Standards and Methodology in providing technical direction and coordination in these program areas and shall provide planning and coordination for the following unit:

The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; provide guidance to theoretical and applied statisticians and subject matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems; and shall perform Bureau review and clearance of proposals of any Bureau organization for requests for information from the public that require the approval of the Office of Management and Budget under DAO 216-8, dealing with the Federal Reports Act, 44 U.S.C. 3501.

SEC. 8. *The Office of the Associate Director for Electronic Data Processing.* The Associate Director for Electronic Data Processing shall plan and direct programs for electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

.02 The Systems Software Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.03 The Engineering Division shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electromechanical and electronic equipment required for data processing.

.04 The Electronic Data Processing Planning and Management Division shall provide EDP support and coordination to divisions utilizing EDP services; conduct long-range planning, research and development concerned with new equipment needs; and coordinate data keying and computer processing operations between program divisions and the EDP area.

SEC. 9. *The Regional Offices.* .01 The principal field structure of the Bureau shall consist of twelve Regional Offices, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Administration and Field Operations. The location and geographic area covered by each Regional Office shall be as shown in Exhibit 2.

.02 Each Regional Office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Regional Offices.

.04 The Seattle Regional Office shall have an Area Office in San Francisco, and the Kansas City Regional Office shall have an Area Office in St. Paul, Minnesota, which shall carry out assigned field data collection programs.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17369 Filed 6-14-76;8:45 am]

[Dept. Organization Order 20-8]

OFFICE OF PERSONNEL

Statement of Organization and Assignment of Functions

This order effective May 25, 1976 supersedes the material appearing at 32 FR 10384 of July 14, 1967.

SECTION 1. *Purpose.* .01 This order prescribes the functions and organization of the Office of Personnel.

.02 This complete revision establishes a new organization structure and assignment of functions within the office, reflects the assignment of personnel programs and responsibilities not included in the previous order, and updates language and internal references. The major changes are as follows: the Policy Division is abolished and responsibility for personnel program evaluation, manpower information systems, and records and reports is assigned to the new Program Evaluation and Systems Division (paragraph 5.03); the remaining functions are assumed by the new Policy Staff along with responsibility for labor-management relations and the personnel management aspects of the Freedom of Information Act and the Privacy Act (paragraph 5.02); the Compensation Division is renamed the Classification and Executive Assignments Division (paragraph 5.04); the Equal Employment Opportunity and Special Employment Programs Division is established and assumes responsibility for EEO programs and special employment programs from the Career Management Division along with upward mobility programs from the Employee Development Division (paragraph 5.05); the Career Management Division is renamed the Career Management and Employment Services Division with added responsibilities for performance evaluation and employee welfare and services programs (paragraph 5.06); the Employee Development Division is renamed the Employee Development and Awards Division (paragraph 5.07).

SEC. 2. *Status and line of authority.* The Office of Personnel, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* In addition to the authority implicit in and essential to carrying out the functions assigned to the Office and related to the exercise of such functions, the Director, Office of Personnel:

a. Is delegated the authority vested in the Assistant Secretary for Administration to take final action on all matters pertaining to personnel programming and management, including the direction, administration and processing of all personnel matters;

b. Is authorized to redelegate such authority to appropriate officials of the Office of Personnel and of operating units of the Department, subject to such conditions in the exercise of such authority as may be prescribed; and

c. As Director of Personnel for the Department, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in all matters of personnel utilization, management and administration.

SEC. 4. *Functions.* Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

a. Have Departmentwide staff responsibility for all matters relating to personnel management and administration, including manpower controls, recruitment, employee utilization and development, job classification, pay administration, labor relations, training, employee benefits and services, equal employment opportunity (except as otherwise provided by directives of the Department), personnel management evaluation, occupational health, and incentives programs;

b. Perform services in the functional areas enumerated in subparagraph a. above required by the Office of the Secretary and other selected organizational units of the Department; and

c. Establish and maintain close working relationships with the U.S. Civil Service Commission and other Government agencies as appropriate.

SEC. 5. *Organization.* Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The Deputy Director shall be the principal operating aide to, and serve as the authorized alternate for, the Director, shall carry out special assignments to support and assist the Director, and shall supervise the Policy Staff.

.02 The Policy Staff shall serve as the technical personnel management policy adviser to the Director, his staff, and the Department's operating units. In conjunction with the division chiefs, the Staff shall plan the development and issuance of Department personnel policy, regulations, programs, and instructions; coordinate within the Office of Personnel the development of legislative proposals on personnel matters, and coordinate comments on proposed legislation, Civil Service Commission issuances, various Department orders and other issuances requiring clearance or concurrence of the Director of Personnel. It shall be responsible for the personnel management aspects of the Freedom of Information Act and the Privacy Act within the Office of Personnel. The Staff shall also plan, direct and review the labor-management relations policies and programs of the Department, and shall provide technical advise, guidance and assistance to the Director and his staff and to operating units on all aspects of labor-management relations.

.03 The Program Evaluation and Systems Division shall plan, schedule, and coordinate personnel management program evaluation surveys throughout all organizational units of the Department; monitor the issuance of reports of findings, providing evaluation and analysis of the effectiveness of personnel management programs; and shall coordinate the personnel management evaluation system within the Department and with the Civil Service Commission. The Division shall be responsible for the personnel management information system; for developing and maintaining surveillance of automated personnel systems in use throughout the operating units; for ensuring compliance with Civil Service Commission requirements for the Central Personnel Data File—and ultimate conversion to the Federal Personnel Management Information System; and shall serve as the control point for all Departmentwide personnel management forms, reports, statistical evaluations and analyses.

.04 The Classification and Executive Assignments Division shall plan and coordinate Departmentwide programs and activities in the areas of position classification, pay administration, ad the Executive Assignment System; maintain liaison with the Civil Service Commission on matters dealing with executive personnel and related program activities; formulate and issue policy guidance on matters peculiar to excepted positions and overseas allowances and differentials; and shall develop a variety of special salary schedules applicable to Department organizations throughout the country. The Division shall serve as the Department's review level on all classification appeals originating within the Department.

.05 The Equal Employment Opportunity and Special Employment Programs Division shall provide technical advice and guidance to the Director, his staff and the operating units on the equal employment opportunity program and the affirmative action plans as they pertain to or involve the personnel management programs. The Division shall develop the Affirmative Action Plan for the Department and approve the affirmative action plans for operating units; represent the Department in the Federal Women's Program and the Spanish-speaking Program, providing leadership in the promotion and administration of these programs; administer the Department's Special Employment Programs, and coordinate such programs closely with the Civil Service Commission; provide staff guidance to Personnel Officers of the Department on the implementation, special funding and reporting re-

quirements of these programs; and shall monitor or prepare the Department's narrative and statistical reports pertaining to the special employment programs, equal employment opportunity and the affirmative action plans.

.06 The Career Management and Employment Services Division shall plan and develop the career management programs, and all programs pertaining to the staffing, employee utilization, performance evaluation, and welfare of the work force. The Division shall provide staff assistance, policy guidance and interpretation to the operating units on all matters pertaining to employment, recruitment, placement, employee relations and career-management programs; maintain contacts with colleges, outside organizations, and other Federal agencies on matters pertaining to these programs; and monitor a variety of employee services programs, serving as the Department's liaison between the Civil Service Commission and the operating unit Personnel Offices.

.07 The Employee Development and Awards Division shall plan, direct, review and evaluate Department Programs for employee training and development, and shall monitor the Executive Development Programs for the Department. The Division shall plan and operate the Department's Management Training Center; provide staff assistance to operating units on interpretation and implementation of the Government Employees Training Act; and coordinate and approve Department nominations for special programs. The Division shall also administer the Department awards and recognition programs and provide staff assistance to operating unit Personnel Offices on all phases of the suggestions, awards and recognition programs; provide the Executive Secretary to the Incentive Awards Board; plan, schedule and oversee the Department's annual and special awards and employee-recognition ceremonies as required, and shall represent the Department with the Civil Service Commission on all matters of training, employee development and awards.

.08 The Medical Division shall plan and coordinate Departmentwide policies and programs in employee health services, represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, U.S. Civil Service Commission and other appropriate agencies; and provide advice, assistance and consultative services to operating units in employee health matters as requested. The Division shall be responsible for planning and administering the employee health service program for the Department's central health unit.

.09 The Operations Division shall plan, organize and administer a complete operating personnel management program responsive to the needs of the Office of the Secretary and other organizational units as specified by the Director of Personnel. The program shall include all activities relating to recruitment and placement, appointment, promotion, separation, employee relations, employee recognition and incentives, labor-management relations, job classification and various employee services and benefits programs. The Division shall develop the Affirmative Action Plan and administer and coordinate the equal opportunity program for employment for all the organizational units serviced.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17367 Filed 6-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, July 19, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel on New Drug Regulation.

JUNE 8, 1976.

[FR Doc.76-17390 Filed 6-14-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-334; FDAA-506-DR]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Deelgation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 9, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Trust Territory of the Pacific Islands resulting from Typhoon Pamela beginning about May 15, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the Trust Territory of the Pacific Islands to have been adversely affected by this declared major disaster:

Truk District.
The Saipan/Guam Troposcatter facilities located on Guam, but owned by the Trust Territory of the Pacific Islands, which sustained damage caused by Typhoon Pamela.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 9, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-17392 Filed 6-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. SA-74-4]

BELT RAILWAY CO. OF CHICAGO

Waiver of Railroad Safety Appliance Standards

The Belt Railway Company of Chicago (BRC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain railroad safety appliance standards. The BRC seeks exemption from the provisions of 49 C.F.R. 231.30, which govern safety appurtenances required on locomotives used in switching service.

The requested waiver would apply to six locomotives which bear BRC road numbers 600 through 605. These locomotives were built by the American Locomotives Company (ALCO) and are of a road service design type. The locomotives are identified ALCO century 424 models. The BRC employs these locomotives primarily in belt-line and transfer service but does occasionally assign them to yard switching service.

Petitioner seeks a permanent waiver for these locomotives and notes that during the roughly nine years the units have been in service no problems or accidents involving the footboards or safety appliances have been experienced. BRC states that modification costs and loss of service time required to virtually rebuild these locomotives would be inordinately expensive when compared with any benefits derived from such work.

In seeking this waiver petitioner asserts that the design of these locomotives will not reasonably permit the required modifications. BRC notes that the required modifications would necessitate cutting the side sill in order to inset the steps and would cause a significant reduction of the walkway area ahead of the steps leading to the cab. Furthermore, reforging of all vertical handholds will be required in order to comply with the clearance requirements.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested person prior to June 30, 1976. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number SA–74–4) and shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 30, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of the Safety Appliance Acts (Secs. 2, 4 and 6, 27 Stat. 531, as amended, Secs. 1 and 3, 32 Stat. 943, as amended, secs. 1–6, 36 Stat. 298–299, as amended, Sec. 6(e) and (f), 80 Stat. 939; 45 U.S.C. 2, 4, 6, 8, 10, 11–16, 49 U.S.C. 1655).

Issued in Washington, D.C., on June 9, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76–17294 Filed 6–14–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24869; order 76–6–73]

BAGGAGE ALLOWANCES

Order Relating to Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of June, 1976.

By Order 76–3–81, decided February 25, 1976 and effective March 13, 1976, the Board issued its final opinion in Baggage Allowance Tariff Rules In Overseas & Foreign Air Transportation, Docket 24869, which, among other things, ordered cancellation of all tariffs for excess-baggage charges in overseas and in foreign air transportation within 90 days (June 10, 1976). On June 7, 1976, the Board received a communication from the United States Department of State requesting the Board to defer for 30 days the cancellation date previously ordered. See Attachment.

Upon consideration of the request and all other relevant matters, we have decided to grant the request of the Department of State for the reasons outlined in their communication.

Accordingly, it is ordered That: Ordering paragraphs 3 and 4 of Order 76–3–81 are hereby amended to require that the excess-baggage rate of one percent of the applicable one-way first-class fare per kilogram be canceled prior to July 11, 1976, and to provide for the approval of IATA Resolution 311 through July 10, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

BEFORE THE CIVIL AERONAUTICS BOARD

Baggage allowance tariff rules in overseas and foreign air transportation.

PETITION TO MODIFY ORDER 76–3–81 [1]

During consultations with the Government of the United Kingdom last week, the representatives of the United Kingdom raised the question of excess baggage charges in the light of Board Order 76–3–81, which withdraws approval of certain IATA resolutions and cancels tariffs for excess baggage charges effective June 11, 1976. The United Kingdom representatives were made aware of the Board's objectives and its desire for early implementation of these objectives. They stated in reply that it was likely the United Kingdom would submit a letter to the Department of State containing a justification for extending the effective date for cancellation of the tariffs.

The Department of State believes that such a letter from the United Kingdom may contain information which might constitute a change in circumstances warranting Board reconsideration of the question of extension. However, in view of the brief time remaining before June 11, it is physically impossible for the Department to receive and transmit to the Board for its timely consideration any representation likely to be made by the United Kingdom. Since the Department believes that it would be desirable to know whether foreign governments will support the Board's objectives, the Department recommends, and hereby requests, that the Board grant an extension of no more than 30 days of the effective date for the cancellation of the relevant tariffs.

Dated: June 7, 1976.

Respectfully submitted,

PHILLIP R. TRIMBLE,
Assistant Legal Advisor, U.S. Department of State.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served on all parties to the proceeding, by mailing a copy postage prepaid, first class mail, this 7th day of June, 1976.

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc.76–17398 Filed 6–14–76;8:45 am]

[1] Communications with respect to this petition should be sent to the above official.

[Docket 23457; Order 76–6–84]

CITIES AND CHAMBERS OF COMMERCE OF MIDLAND AND ODESSA, TEXAS

Order Dismissing Petition for Investigation of Air Service to the East

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 10th day of June, 1976.

On October 31, 1975, Midland and Odessa (Midland/Odessa) by joint petition [1] requested the Board to institute an investigation to determine the need for service between Midland/Odessa and the east including, among other points, Atlanta, Chicago, New York, and Washington. [2] In support of its petition, Midland/Odessa states that it has the potential for generating sufficient traffic to major eastern points [3] based on its generation of approximately 1,000 O&D passengers per day in 1974, increased traffic potential based on per capita average income and geographic isolation, the response to increased service to Austin and Denver, and the experience of other Texas cities which indicate that those cities having single-plane/single-carrier service to the north and east generate a large percent of their total traffic in those markets. In addition, petitioners contend that they are alone among the cities generating within 10 percent of 369,320 O&D passengers in 1974 that have no single-plane or single-carrier service to Boston, Chicago, Louisville, New York, St. Louis, and Washington and that most of those cities within 10 percent of 369,320 O&D passengers in 1974 are served by at least two trunklines plus one or two local service carriers while Midland/Odessa is served only by one trunk and one local service carrier.

Braniff Airways filed an answer in support of Midland'/Odessa's petition and stated its intention to consolidate its pending application in Docket 25768 for authority between points in Texas, on the one hand, and points in the Ohio Valley and Northeastern United States, on the other, if the Board institutes an investigation of Midland/Odessa's service to the east. [4] On April 13, 1976, Braniff amended its application in Docket 25768 to include Midland/Odessa as an intimate point and contemporaneously filed a new application in Docket 29136 to

[1] Both cities are served through the Midland Air Terminal, located between and 10 miles distant from each city. Midland/Odessa is currently served by Continental Air Lines and Texas International Airlines (TXI).

[2] Petitioner also filed a request for a waiver of the environmental evaluation under sec. 312.6 of the Board's Procedural Regulations. In view of our determination herein not to institute a route proceeding, the request for a waiver will be dismissed as moot.

[3] The markets in which Midland/Odessa specifically seks improved service had the following number of pasengers in 1974: Atlanta (2,100), Chicago (4,640), New York (5,880), Washington (2,400).

[4] Braniff's answer was accompanied by a motion for leave to file an otherwise unauthorized document on February 9, 1976. The motion will be granted.

amend its certificate to include Midland/Odessa as one of the intermediate points between El Paso and New York.

Upon consideration of the pleadings and all the relevant facts, we have decided that Midland/Odessa's petition should be dismissed without prejudice.

Due to the considerable number of applications filed which require an evidentiary hearing, the Board's ability to set many cases for immediate hearing is necessarily limited. The Board has adopted general standards, set forth in section 399.60(b) of its Policy Statements, for determining the degree of relative priority to which each matter requiring a hearing is entitled based on the comparative public interest factors involved therein. In the area of routes, the Board will generally afford a priority hearing to those applications which present the potential for greater service benefits to a substantial segment of the public, as well as indicating the prospect of economic operations for the carrier concerned.

Initially, we find that the very small amounts of traffic in the markets in question do not justify granting Midland/Odessa's petition or Braniff's application for a priority hearing. The largest of the markets, Midland/Odessa-New York, generated only 5,880 O&D passengers in 1974 or 8 per day in each direction while the smallest market, Midland/Odessa-Atlanta, generated 2,100 O&D passengers in 1974 or approximately 3 passengers per day each way.[5] Even assuming that single-plane service would result in stimulation sufficient to double the traffic in these markets, such traffic still would not be sufficient to merit a priority hearing.[6] Moreover, single-plane service would not capture all the potential traffic since it would often be more convenient to make a one-stop connection at Dallas which would offer non-stop service to such cities as Atlanta, Chicago, New York, and Washington, rather than to use single-plane multistop service to these cities.

Further, considering the minimal traffic involved, the service deficiencies alleged by Midland/Odessa do not appear to constitute a denial of reasonable access to points east of Texas sufficient to warrant a priority hearing. Most significant in our conclusion is the current service in Dallas/Fort Worth and Houston markets. These markets were the two largest in 1974 for Midland/Odessa, with 77,960 and 66,030 O&D passengers, respectively.[7] In the Midland/Odessa-Dallas market, Continental offers three and one-half nonstop round trips during the week and TXI, four daily nonstop round trips. In the Houston market, Continental operates t hree and one-half daily one-stop round trips and TXI two and one-half daily one-stop round trips.[8] This service is relevant to the instant petition because it provides Midland/Odessa passengers traveling to such cities as Atlanta, Chicago, New York, and Washington with numerous convenient connecting services from Dallas/Fort Worth and Houston to these and many other northern and eastern points served by several trunk carriers.

Furthermore, Braniff's answer in support of Midland/Odessa's petition and its subsequent application amendment in Docket 25768 and new application in Docket 29136 do not present any facts which would lead us to a different conclusion.

In view of these circumstances, we find that Midland/Odessa's petition does not present facts which warrant an investigation at this time.

Accordingly, it is ordered That:

1. The petition and request for waiver of the environmental evaluation of the Cities and Chambers of Commerce of Midland and Odessa, Texas, be and they hereby are dismissed; and

2. The motion by Braniff Airways, Inc., for leave to file an otherwise unauthorized document, be and it hereby is granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17400 Filed 6-14-76;8:45 am]

[Docket 28744]

CONTINENTAL AIR LINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 11, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties, and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 28, 1976, and the other parties on or before August 4, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 10, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 76-17396 Filed 6-14-76;8:45 am]

[Docket 24869; order 76-6-72]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Affirming Staff Action and Denying Motion Relating to Excess Baggage Charges

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 9th day of June, 1976.

On May 21, 1976, the Board's staff rejected tariff revisions proposed by Pan American World Airways, Inc. (Pan American) to establish excess-baggage rates in overseas and foreign air transportation at one percent of the normal economy fare per kilogram.[1] Pan American has now filed a petition for review of this staff action, urging that the Board reverse the staff.

In support of its petition, Pan American alleges that the staff's action does not comply with Section 403 of the Federal Aviation Act and Part 221 of the Board's Economic Regulations; that the rejection is based on the substantive merits of the tariff filing not on a technical or formal defect of the tariff; that the tariff does establish an appropriate and fully justified excess-baggage charge for a six-month interim period; and that the rejection authority does not extend to cases where the tariff is substantively defective because of an "insufficient" justification. Pan American alleges that it did comply with the Board's regulations and that if the Board wished to remove the carrier's tariff, the most appropriate course would be to suspend its filing rather than reject it.

In a separate motion filed concurrently, Pan American requests that the Board modify Order 76-3-81 to postpone the required cancellation of the existing excess-baggage charge tariff rules until 40 days after the Board has considered and acted upon the petition for review of staff action rejecting Pan American's excess-baggage charge tariffs.[2] In support of its motion, Pan American alleges that absent such an extension Pan American will be without an effective tariff for excess-baggage charges as of June 10, 1976. Pan American further asserts that, even if it chooses to file a different tariff on less than statutory notice, it has no assurance that a tariff would be permitted to become effective other than one establishing a charge of seven-tenths of one percent, for effect June 10, 1976, a charge which the carrier alleges is uneconomic. Absent the extension Pan American requests, which it alleges is necessitated by an improper Board staff action in reject-

[5] Other cities mentioned by Midland/Odessa had the following Midland/Odessa O&D passengers in 1974: Chicago (4,640) and Washington (2,400).

[6] Only 13.9 percent of Midland/Odessa's traffic presently travels north and east. Although traffic may expand somewhat with the institution of first single-plane service, considering the relatively small amounts of traffic in these markets it does not appear that the amount of traffic convenienced would be significant.

[7] The other four top markets for Midland/Odessa in terms of 1974 O&D traffic were Austin (17,550), El Paso (16,990), Los Angeles (16,140), and San Antonio (15,830). Petition of Midland/Odessa, Exhibit MAF-15, at 2. Midland/Odessa currently receives single-plane service in all of these markets.

[8] O.A.G., April 15, 1976.

[1] Rejection Notice No. B-3676, dated May 21, 1976.

[2] An answer in opposition has been filed by Mr. Donald L. Pevsner, Attorney-at-Law.

ing Pan American's tariff, the carrier contends that it will not have a proper procedural opportunity to have its rate proposal considered and will be compelled to file a tariff setting forth a charge which it does not consider proper or compensatory.

We will deny Pan American's motion to postpone the required tariff cancellation and affirm the staff's action taken under delegated authority rejecting Pan American's tariff. In Order 76-3-81 served March 12, 1976, the Board directed cancellation of existing excess-baggage charge tariff rules by June 10, 1976. Petitions for reconsideration were denied by Order 76-5-26 dated May 10, 1976. In both of the above orders, emanating from a full investigation to which Pan American was a party, the Board stated that all tariffs should be accompanied by a thorough economic justification unless the carriers chose to rely on the Board's findings therein that excess-baggage costs amounted to seven tenths of one percent of the economy fare per kilogram. In its tariff proposing a charge of one percent per kilogram, the carrier stated "Pan American respectfully declines the Board's invitation to file for 0.7 percent of normal economy fares without justification." No economic justification in support of its one percent per kilogram filing was presented.

As Pan American quotes in its petition for review of staff action, section 221.-165(b) of the Board's Economic Regulations requires that the justification submitted with a tariff filing include:

> Economic data and/or information in support of the new or changed matter, including, *in cases where pertinent,*
>
> (1) Estimates of costs of service, with supporting details and references to sources, and
>
> (2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic and revenues.) (Emphasis added)

In view of the Board's statement in Order 76-3-81 that filings proposing excess-baggage rates of other than seven-tenths of one percent of the economy fare should be accompanied by a thorough economic justification, there is little question but that the requirements of section 221.165(b) (1) and (2) were "pertinent" to Pan American's rejected tariff. The conents of Pan American's justification were essentially the same as contained in its petition for reconsideration which we considered and denied by Board Order 76-5-26. Disagreement with the Board's views is not a basis for justification in support of a tariff filing. Pan American's justification thus clearly did not meet the requirements of section 221.165 of the Board's Economic Regulations, and was therefore properly rejected by the staff.

We do not believe that Pan American's support for a 40-day extension of time has significant merit; however, by separate order we are contemporaneously granting a request of the Department of State for a 30-day deferral of the tariff cancellation date previously ordered.

Accordingly, it is ordered, That:

1. The action taken under delegated authority in Rejection Notice No. B-3676, be and hereby is affirmed; and

2. The motion of Pan American World Airways, Inc. to modify Order 76-3-81 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.76-17399 Filed 6-14-76;8:45 am]

[Docket 29295]

UNITED STATES-LATIN AMERICA ALL-CARGO SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 14, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 13, 1976, and the other parties on or before August 31, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-17397 Filed 5-14-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

KENTUCKY 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 Kentucky Advisory Committee (SAC) to this Commission will convene at 7:30 pm. and end at 11:00 pm. on July 15, 1976, at the Galt House, Fourth Street at River Road The Commissioner Room, 2nd Floor, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is programmatic planning for fiscal year '77. Planning for followup to the Louisville school desegration hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 76-17313 Filed 6-14-76;8:45 am]

MARYLAND 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 Maryland Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:00 p.m. on July 12, 1976, at Route 1, Box 420, Lutherville, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss plans for new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-17314 Filed 6-14-76;8:45 am]

NEW JERSEY 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 New Jersey Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 9:00 p.m. on July 14, 1976, at the Ramada Inn, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Paza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss the abortion project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-17315 Filed 6-14-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Development, Office of the Administrator, St. Lawrence Seaway Development Corporation.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17312 Filed 6-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 562-6; FAP5H5096/PW6]

FOOD ADDITIVE PETITION

Notice of Withdrawal

On July 25, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 31259) that Chemagro Agricultural Div. Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120 had filed a petition (FAP 5H5096). This petition proposed the establishment of a tolerance for residues of the insecticide S-[2-(ethylsulfinyl) ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in tomato pomace at 2 ppm from application of the pesticide to growing tomatoes.

Chemagro Agricultural Div., Mobay Chemical Corp. has withdrawn this petition without prejudice pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act.

[21 U.S.C. 348].

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76-17431 Filed 6-14-76;8:45 am]

[FIFRA Docket No. 246, et al.; (FRL 562-4)]

MALLINCKRODT, INC.

Order Denying Petition for Reconsideration

BACKGROUND

On February 17, 1976, I issued a final Decision and Order[1] pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 135 et seq. My final order cancelled the registrations of several mercurial products used as biocides in or on the following: oil-based paints; water-based paints; golf course turf (summer disease control); golf course turf (snow mold control); seed; and fabrics used in wearing apparel.

On March 2, I granted a temporary stay of the effectiveness of the entire February 17 Order. This stay did not affect the administrative finality of the order; it merely postponed enforcement pending judicial review.

On March 26, I granted a motion for reconsideration of my February 17 Order solely as it related to water-based paints. The motion was not based upon new evidence; rather, it alleged that I had erroneously decided the matter upon the record which had been before me. All parties interested in the water-based paint reconsideration filed their briefs with me on April 16. On May 27, I concluded that I had erred on the basis of the record which had been before me, and I modified my February 17 Order so as to reinstate the registrations of mercurials used in water-based paints.

On April 16, two months after my February 17 Order was issued, Mallinckrodt, Inc., a party to the consolidated mercury proceedings, filed a pleading which challenged my February 17 Order as it related to mercurials used on golf greens (for snow mold control). Mallinckrodt did not ask that I reconsider my order based upon the record before me. Instead, Mallinckrodt filed three affidavits with its pleading which reflected newly-discovered evidence. Mallinckrodt styled its pleading as a motion for reconsideration, or, in the alternative, as a motion to reopen the hearing.

In an order entered May 3, I denied both alternative motions. The motion for reconsideration was improper both becaue it was based upon new evidence and because it was substantially out of time. 40 CFR 164.110(c). The motion to reopen was improper because such a motion may only be filed prior to the issuance of a final order. 40 CFR 164.110(b). My denial was specifically without prejudice to Mallinckrodt's right to file a petition for reconsideration under 40 CFR 164, subpart D, which is the appropriate course for one wishing to challenge a final cancellation order based upon new evidence.

Under the "subpart D" procedures, the petitioner must show that there is substantial new evidence which may materially affect the final order, that the evidence was not available to me at the time of the final order, and that the evidence could not, with due diligence, have been discovered by the parties prior to the final order. 40 CFR 164.131(a). If I find that the petition makes such a showing, I am then to call for a formal public hearing before an Administrative Law Judge to determine whether the final order should be revised. 40 CFR 164.131(c), 164.132.

MALLINCKRODT'S PETITION

On May 5, Mallinckrodt filed the above-captioned petition asking that I reconsider my February 17 Order insofar as it cancels registrations of mercurial fungicides for control of snow mold on golf course greens. The petition is based upon new evidence as reflected in three affidavits, and has been properly filed in accordance with the "subpart D" procedures. On May 20, EPA's General Counsel's Office filed an "Answer of Agency Staff" opposing Mallinckrodt's petition.[2] This Answer was itself supported by two affidavits. Finally, on May 24, Mallinckrodt filed a reply to the Staff Answer.

Mallinckrodt continues to insist in its petition and reply that its alternative motions of April 16 were appropriate. Mallinckrodt in effect contends that since I had stayed the effectiveness of the entire cancellation order and had granted a motion for reconsideration on the water-based paints portion of the order, the snow mold portion of the order was not really final.

I find this argument totally unpersuasive, and I stand by my order of May 3 denying Mallinckrodt's alternative motions. The stay which I granted on March 2 is a stay of enforcement pending judicial review; it in no way "opened up" my cancellation order for further administrative review. The motion for reconsideration which I granted on March 26 was specifically limited to water-based paints; it in no way "opened up" other portions of my order for further administrative review. The fact that I granted a proper motion for reconsideration for one discrete part of my order is no reason to grant an improper motion relating to another discrete part.

DISPOSITION OF PETITION

In determining to cancel the registrations of mercurials used for snow mold treatment on golf greens, one of my key conclusions was that adequate non-mercurial substitutes exist. See p. 37 of my February 17 Decision. In finding that the substitutes were "adequate," however, I did not find that they were necessarily equal to the mercurials in terms of total effectiveness. In fact, I conceded that the mercurials might provide "more complete control." Id. Nevertheless, I felt that the non-mercurials were sufficiently adequate to warrant cancellation of the mercurials in light of the risk involved.

One of the principal non-mercurial substitutes discussed in my Decision was chloroneb, particularly as a control for

[1] In Re: Chapman Chemical Company, et al., FIFRA Docket No. 246 et al., (Consolidated Mercury Cancellation Proceeding).

[2] Normally I would consult directly with the Agency staff, including the General Counsel's office, in deciding whether to grant a petition for reconsideration under "subpart D." Once the ten-day period for filing motions for reconsideration of a final order has run without any motions being filed, there is no longer a "proceeding" within the contemplation of 40 CFR 164.7, which governs ex parte communications. My decision on whether to grant such a petition is thus analogous to a decision on whether to initiate cancellation or suspension proceedings under FIFRA, for which I consult with the Agency staff. In the case of the instant petition, the General Counsel's Office chose to file formal pleadings and abide by the ex parte prohibitions of 40 CFR 164.7 out of caution, since my reconsideration of the water-based paint portion of the February 17 Order was still pending.

gray snow mold.[3] The crux of Mallinckrodt's petition is that new evidence indicates an "unacceptable breakdown of control where chloroneb was used last winter" (Mallinckrodt's petition at p. 3), and that the "recent failures of chloroneb indicate that there is no adequate substitute" for Mallinckrodt's mercurial products (Id. at p. 4).

As noted above, only if I find that Mallinckrodt has presented "substantial new evidence which may materially affect" my prior cancellation order am I to grant Mallinckrodt's petition and call for a new hearing.[4] Mallinckrodt's evidence consists of three affidavits, two from witnesses who testified for EPA in the consolidated mercury proceeding (Vargas, Cole) and one from a Mallinckrodt employee (Small). Vargas states that he has collected turf samples from two locations which "indicate an unexplained failure in disease control of chloroneb formulations." He notes that there "appears" to be a change in the fungus population and that cultures "are now being examined in the laboratory" to determine the cause of the two unexplained failures.

Cole relates that he has received turf samples for diagnosis from three states, and that "In all instances the turfgrass areas were reported to be severely diseased in spite of the chloroneb fungicide treatment. At this point in time I do not know the reason for these control failures." In a supplemental affidavit (filed with the Staff Answer), Cole elaborates that his samples came from six golf courses, that he has "no basis to judge the quality or accuracy of the (chloroneb) treatments," and that the winter of 1975–76 was generally acknowledged to be a severe snow mold winter in the areas represented by his turf samples. He also states that to his knowledge, "there is no documented instance of tolerance or resistance to chloroneb" by the gray snow mold fungus, and that "there is no substantive evidence available to suggest reduction in chloroneb's efficacy" against gray snow mold.

Small says that a recent review of golf courses at various locations made him aware of "widespread evidence of failure" of all non-mercurials registered for snow mold control. He then reports on his observations of non-mercurial "failures" at two locations and on "failures" he has "been informed of" at nine other golf courses.

The Staff Answer argues that Mallinckrodt has submitted no documented cases of resistance to non-mercurials, and that none of the alleged control "failures" were shown to be directly attributable to the failure of non-mercurials. The Staff stresses that the failures are "unexplained" by Mallinckrodt's affiants, and characterizes the petition as being based on "preliminary and speculative" data.

The Staff also argues that reasons other than chloroneb failure are just as logical to account for the "unexplained" control failures, such as improper timing of application, improper application, and improperly low dosage rates. To substantiate this point, the Staff submitted an affidavit by an employee (Haschen) of a manufacturer of chloroneb formulations. Haschen also states that his company's information at least partially contradicts reports on "failures" from four of the golf courses referred to by Mallinckrodt's affiants, and that his company has positive reports on chloroneb from at least 70 listed golf courses (it is not clear to what extent these reports reflect experience from the 1975–76 winter).

After carefully examining the pleadings filed by Mallinckrodt and the Agency Staff, I conclude that Mallinckrodt has not presented substantial new evidence which could materially affect my February 17 Order. In my judgment, Mallinckrodt's petition consists of evidence which is largely preliminary and speculative. Cole in essence says that he has samples from two locations indicating an "unexplained" failure in disease control and that cultures are now being examined in the laboratory. Vargas in essence says that samples from six locations were sent to him, that turf was "reported" to be severely diseased, but that he has no substantive evidence to suggest a reduction in chloroneb's efficacy against gray snow mold. Small, Mallinckrodt's employee, in essence says that he has "been informed" of several "failures" and has observed two under severe snow mold disease conditions.

Evidence supporting a "subpart D" petition need not be so overwhelming and conclusive as to present a prima facie case for modification. It should, however, consist of something more substantial than preliminary reports of an observed phenomenon where there are logical explanations for such a phenomenon at variance from the petitioner's explanation, and where the reports provide no documentation to refute such other explanations. Mallinckrodt's petition does not in my judgment contain evidence which approaches the requisite substantiality.

In view of the foregoing, and particularly in view of the fact that my February 17 Order is not based upon the assumption that non-mercurials are totally equivalent to mercurials, Mallinckrodt's petition fails to convince me that a new hearing is warranted. Mallinckrodt's petition is therefore denied. In accordance with 40 CFR 164.131(b), this Order shall be published in the FEDERAL REGISTER as soon as practicable.

Dated: June 9, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-17429 Filed 6-14-76;8:45 am]

[3] The principal winter diseases which affect golf greens are fungi known as the "snow mold complex," including primarily gray snow mold and pink snow mold. While not entirely clear from its pleadings, Mallinckrodt's arguments on reconsideration appear to be largely limited to consideration of chloroneb's affect on gray snow mold.

[4] 40 CFR 164.131. The other necessary criteria—that the evidence was not available to me and could not with due diligence have been made available prior to the final order—are met here since Mallinckrodt's evidence relates to the performance of chloroneb throughout the 1975–76 winter.

[OPP-31007; FRL 562-5]

PESTICIDE PRODUCTS

Changed Use Patterns; Receipt of Registration Application

Applications to register pesticide products entailing a changed use pattern have been made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is given in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by this Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before July 15, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning the following applications should be directed to the designated Product Manager, Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone (202) 755-9315. Notice of approval or denial of the applications to register the pesticide products listed will be announced in the FEDERAL REGISTER. The label furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 438-RUU. O. M. Scott & Sons, Marysville OH 43040. SCOTTS INSECT CONTROL PLUS LAWN FERTILIZER. Active Ingredients: Pirimiphos-Ethyl (2 - diethylamino-6-methylpyrimidin-4-yl diethyl phosphoronate) 0.60%. Application proposes a change in the use pattern to include a new use on grass and dichondria lawns to control sod webworms, chinch bugs, and flea beetles. Application also proposes that the product be classified for general use. PM12

EPA File Symbol 438-RUU. O. M. Scott & Sons. SCOTTS INSECT CONTROL. Active Ingredients: Pirimiphos-Ethyl (2-diethyl-

amino - 6 - methylpyrimidin-4-yl-diethyl phosphorothioate). Application proposes a change in the use pattern to include a new use on grass or dichondra lawns to control sod webworms, chinch bugs, hyperodes weevil, flea beetles, and vegetable weevils. Application also proposes that the product be classified for general use. PM12.

[FR Doc.76-17430 Filed 6-14-76;8:45 am]

[FRL 563-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS)

Delegation of Authority to State of Utah

On December 23, 1971 (36 FR 24876), and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). Sections 111(c) and 112 (d) of the Act direct the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On July 28, 1975, Calvin L. Rampton, Governor, State of Utah, submitted a request on behalf of the Utah Air Conservation Committee for delegation of authority to implement and enforce the NSPS. Included in that request and subsequent documentation were copies of Utah Air Conservation Regulations which incorporate by reference the Federal emission standards and testing procedures; also included were copies of the Utah Air Conservation Act and authoritative interpretations which provide the State with authority to enforce the NSPS. After a thorough review of that request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Governor Rampton on May 13, 1976, that authority to implement and enforce twelve categories of NSPS was delegated to the State of Utah on behalf of the Utah Air Conservation Committee:

HONORABLE CALVIN L. RAMPTON,
Governor of Utah,
State Capitol,
Salt Lake City, Utah 84113.

DEAR GOVERNOR RAMPTON: This letter is in response to your initial July 28, 1975, request for delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) for the twelve source categories promulgated by EPA as of the date of your request. I would like to commend you, your staff, the Utah State Division of Health, and the Utah Air Conservation Committee for the diligence and excellence of Utah's efforts to assume responsibility for implementing and enforcing the NSPS.

EPA has reviewed the pertinent statutes of the State of Utah and the regulations of the Utah Air Conservation Committee, and has determined that they provide for an adequate and effective procedure, subject to the conditions noted, for implementation and enforcement of twelve categories of NSPS by the State of Utah and the Utah Air Conservation Committee. Therefore, we hereby grant delegation of the NSPS to the State of Utah on behalf of the Utah Air Conservation Committee, subject to the conditions set forth in paragraphs 1 through 13, the authority over all sources in the State included in the list of source categories noted below which are subject to the Standard of Performance for New Stationary Sources promulgated in 40 CFR Part 60 as of July 28, 1975. The twelve (12) categories of new sources subject to this delegation are fossil fuel-fired steam generators; incinerators; Portland cement plants; nitric acid plants; sulphuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Utah Air Conservation Committee, which reports will contain a listing of all new sources located within the State, a listing and summary of compliance status for each such source with applicable emission standards, and a status report on enforcement actions taken or pending against all violators of the Utah Air Conservation Act and regulations thereunder. A listing of modifications or proposed modifications to the Utah Air Conservation Act and regulations thereunder shall be included in the report.

2. Enforcement of the NSPS in the State of Utah will be the primary responsibility of the Utah Air Conservation Committee. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms and conditions of this delegation, EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources which are subject to the NSPS.

3. The delegation to the State of Utah does not include the authority to implement and enforce NSPS for sources owned or operated by the United States which are located within the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Part 60.

4. The State of Utah will at no time grant a variance pursuant to UCA 26-24-11 from compliance with any standard or requirement of NSPS Federal regulations. EPA will consider any source requesting or receiving a variance to remain subject to applicable Federal regulations. EPA may institute an enforcement action against the source pursuant to Section 113 of the Clean Air Act if violations of Federal regulations occur. The granting of such a variance by the State shall also constitute grounds for revocation of delegation by EPA.

5. Subdelegation by the Utah Air Conservation Committee to regional or local air pollution control authorities in the State shall not act to relieve the Utah Air Conservation Committee from the primary responsibility for implementation and enforcement of NSPS, nor from any of the conditions contained in the delegation from EPA.

6. The Utah Air Conservation Committee shall utilize and require to be utilized those methods specified in 40 CFR Part 60 in performing source and emission tests pursuant to the regulations. Alternate or equivalent methods shall not be utilized without prior written concurrence by EPA. Any change in test method authorized by the State must be reported in writing to EPA.

7. Determinations of applicability like those specified in 40 CFR 60.6 shall be consistent with those which have already been made by the EPA. Novel determinations must be concurred upon by EPA.

8. Waivers of performance and emission tests and the basis therefore, shall be included in the semi-annual postdelegation's reports to the EPA.

9. All emission data received or obtained by the Utah Air Conservation Committee shall be available to the public to the extent required by the Clean Air Act, as amended.

10. If at any time there is a conflict between a State regulation and Federal regulation, the Federal regulation must be applied if it is more stringent than that of the State.

11. If the Regional Administrator determines that the State procedure for implementation and enforcement of the NSPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Utah.

12. The Utah Air Conservation Committee shall provide public notice and an opportunity for public comment consistent with 40 CFR 51.18(h), during its new source review procedures prior to approving or disapproving the construction or modification of a source subject to NSPS regulations.

13. Acceptance of this delegation of presently promulgated NSPS does not commit the State of Utah and the Utah Air Conservation Committee to request or accept delegation of future standards and requirements. Both the State and EPA must act independently in order to effect an amended or additional delegation regarding new future Federal standards or requirements.

A notice announcing this delegation will be published in the near future in the FEDERAL REGISTER. The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS by sources located in the State of Utah should be submitted to the Executive Secretary, Utah Air Conservation Committee, Utah State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the Committee.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice or objections within ten (10) days of the date of receipt of this letter, the State and the Air Conservation Committee will be deemed to have accepted all of the terms of this delegation.

Best Personal regards.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses: Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80203. Environmental Protection Agency, Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 M Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the twelve (12) categories of NSPS should be submitted to

the EPA, Region VIII Office, and should also be submitted to the State agency at the following address: Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State agency only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 7).

Dated: May 14, 1976.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.76-17434 Filed 6-14-76;8:45 am]

[FRL 562-7]

TOXIC POLLUTANT EFFLUENT STANDARDS

Availability of Reports

The Environmental Protection Agency has proposed Toxic Pollutant Effluent Standards under the authorities in the Federal Water Pollution Control Act Amendments of 1972 (see 41 FR 23576). The Agency announced in that proposed rulemaking the availability of copies of the supporting criteria documents, technology assessments and economic impact assessment from the National Technical Information Service (NTIS), Springfield, Virginia 22151. The Report subject matter, EPA Report numbers and cost for these documents are listed below:

EPA report No. and subject:	Cost
EPA-440/9-76-007; Wastewater treatment technology—Aldrin/Dieldrin Manufacturing	$4.00
EPA-440/9-76-009; Wastewater treatment technology—DDT Manufacturing	5.00
EPA-440/9-76-011; Wastewater treatment technology—Endrin Manufacturing	5.50
EPA-440/9-76-013; Wastewater treatment technology—Toxaphene Manufacturing	6.00
EPA-440/9-76-015; Wastewater treatment technology—Pesticide Formulating	6.00
EPA-440/9-76-008; Criteria document—Aldrin/Dieldrin	5.00
EPA-440/9-76-010; Criteria document—DDT	6.00
EPA-440/9-76-012; Criteria document—Endrin	6.00
EPA-440/9-76-014; Criteria document—Toxaphene	4.50
EPA-230/3-76-016; Economic impact assessment	4.50

Dated: June 9, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.76-17432 Filed 6-14-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

COAL RESEARCH DEVELOPMENT AND DEMONSTRATION PROGRAM

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Energy Research and Development Administration (ERDA) has commenced the preparation of a draft programmatic environmental impact statement (EIS) relating to the long-term impact of commercial application of coal conversion and utilization technology to be developed by ERDA's coal research development and demonstration program.

The coal research development and demonstration program covers the full range of coal technology development beginning with laboratory research and involving scale-up through process development units, pilot plants and demonstrations with the intent of developing technology for commercial use. The program encompasses technology for coal liquefaction and gasification, direct combustion of coal, development of advanced power systems, various combined cycles, and magnetohydrodynamic systems using coal and in-situ coal gasification.

The program EIS will address the potential environmental impacts of large scale commercial coal conversion and utilization industry and identify those steps that must be taken in the coal program today to minimize or eliminate predictable future adverse environmental impacts. It will include analyses and data concerning the environmental, health, and safety impacts of each commercial possibility based upon technology developed by the ERDA research and development program. Not only the immediate impact of plant construction but the cumulative impacts of growth and the long-term impacts of a large and diverse industry dispersed throughout the country will be considered. The statement will also discuss the impact of conjunctive developments including transportation and service facilities for the plant and its worker population. Socioeconomic impacts relating to community dislocations and strain on services and financial resources will be addressed as a basis for developing policy in anticipating the problems of growth.

An interagency Task Force has been established to advise in the preparation of the statement.

The draft statement will be circulated for public review, and comments received will be considered in the preparation of the final statement. The final statement will provide environmental input into ERDA decisions affecting the future program.

Copies of documents to be utilized in the preparation of this statement will be available for public inspection at:

Public Document Room, ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.

All interested agencies, organizations or persons desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental impact statement should submit them to W. H. Pennington, Acting Director, Office of NEPA Coordination, Mail Station E-201, U.S. Energy Research and Development Administration, Washington, D.C. 20545 (301-353-4241). Comments and views should be received on or before July 30, 1976. Those desiring a copy of the draft environmental impact statement when it is issued should notify Mr. Pennington.

Dated at Germantown, Maryland, this 10th day of June 1976.

For the Energy Research and Development Administration,

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-17384 Filed 6-14-76;8:45 am]

FEDERAL MARITIME COMMISSION

COLUMBUS LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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., on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy or 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:

Edward Aptaker, Esquire, Morgan, Lewis & Bocklus, 1800 M Street, N.W., Washington, D.C. 20036.

In the matter of Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck, trading as Columbus Line; Associated Container Transportation (Australia) Ltd., Australia Shipping Commission, trading as Australia National Line; Farrell Lines Incorporated; Refrigerated Express Lines (A/Asia) Pty. Ltd.

Agreement No. 10245, among Columbus Line, Associated Container Transportation (Australia) Ltd., Australia National Line, Farrell Lines Incorporated and Refrigerated Express Lines (A/Asia) Pty. Ltd. (REL) provides for the carriage of meat under a single voyage by REL from Northwest Australian ports to East and Gulf Coast ports of the United States.

By order of the Federal Maritime Commission.

Dated: June 11, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17533 Filed 6-14-76;8:45 am]

[INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1151-R]

DAVIS VAN & STORAGE, INC.

Order of Revocation

By letter dated May 6, 1976, Davis Van & Storage, Inc., 912 5th Street, Davis, California 95616 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1151-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 4, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Davis Van & Storage, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1151-R issued to Davis Van & Storage, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1151-R be and is hereby revoked effective June 4, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Davis Van & Storage, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-17388 Filed 6-14-76;8:45 am]

FARRELL LINES INC. AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis and Bocklus, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. T-3313, between Farrell Lines Incorporated (Farrell) and Pacific Far East Line, Inc. (PFEL) is a letter agreement which provides for a cooperative arrangement between the parties. As a result of PFEL's discontinuance of subsidized freight service on Route 27, PFEL has excess capacity at Pier 96 in the San Francisco Bay area which they are willing to make available to Farrell. The purpose of this agreement is to document the understandings which have been reached between Farrell and PFEL with respect to Farrell's present and future use of the terminal facilities on Pier 96. As compensation, Farrell shall pay $500,000 for the initial five years (with options to renew). In addition Farrell shall pay tariff charges for terminal services performed for them.

By order of the Federal Maritime Commission.

Dated: June 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17389 Filed 6-14-76;8:45 am]

FEDERAL POWER COMMISSION

CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Meeting

Agenda; meeting of curtailment strategies-technical advisory committee; Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426; July 22-23, 1976[1], 9 a.m.; Presiding: Mr. Franklin W. Lipshultz.

1. Call to order—Mr. Lipshultz.
2. Discussion to outline the Final Report of the Curtailment Strategies-Technical Advisory Committee—Mr. John F. O'Leary, TAC Chairman.
3. Assignment of work to committee members—Mr. John F. O'Leary.
4. Selection of next meeting date.
5. Adjournment—Mr. Franklin W. Lipshultz.

NGS-1 (Subgroup).

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17515 Filed 6-11-76; 2:39 pm]

[Docket Nos. CP73-258, CP73-259, CP73-267, CP73-268, CP73-269, and CP73-270]

EL PASO EASTERN CO., ET AL.

Final Environmental Impact Statement; Availability

JUNE 15, 1976.

Notice is hereby given in the above dockets that on June 15, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. The FEIS deals with the applications filed by El Paso Eastern Company, Transco Energy Company, Transco Terminal Company, and Transcontinental Gas Pipe Line Corporation in Docket Nos. CP73-258, CP73-259, CP73-267, CP73-268, CP73-269, and CP73-270 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of a (1) LNG

[1] This meeting replaces a previously scheduled meeting of the Curtailment Strategies-Technical Advisory Committee which was to be held June 22-23. The meeting of June 22-23 has been cancelled.

importation terminal at Raccoon Island, Gloucester County, New Jersey, and (2) approximately 22.74 miles of 36-inch diameter pipeline loop on Transcontinental Gas Pipe Line Corporation's existing Marcus Hook-Woodbury line at Gloucester, New Jersey; and for the sale in interstate commerce of the LNG.

This FEIS has been circulated to Federal, state, and local agencies and all parties to the proceeding. The FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17448 Filed 6-14-76;8:45 am]

[Docket No. CP76-386]

DISTRIGAS OF MASSACHUSETTS CORP.

Application

JUNE 8, 1976.

Take notice that on May 28, 1976, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP76-386 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of liquefied natural gas (LNG) in interstate and Massachusetts commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell LNG which Distrigas Corporation seeks authorization in Docket No. CP76-9 [1] to import from Algeria and in Docket No. CP76280 [2] to sell to Applicant. Applicant proposes to make the following sales, expressed in billion Btu:

	July 1 to Dec. 31, 1976	Jan. 1 to June 30, 1977	July 1 to Dec. 31, 1977
INTERSTATE CUSTOMERS			
The Brooklyn Union Gas Co.	1,410	2,115	3,172
The Connecticut Gas Co.	150	225	338
New Jersey Natural Gas Co.	30	45	68
Providence Gas Co.	270	405	608
South Jersey Gas Co.	180	270	405
Valley Gas Co.	36	54	81
MASSACHUSETTS CUSTOMERS			
Bay State Gas Co.	270	405	608
Fall River Gas Co.	45	68	101
Haverhill Gas Co.	30	45	68

[1] Notices published July 29, 1975 (40 FR 31834) and May 13, 1976 (41 FR 19779).

[2] Notices published March 18, 1976 (41 FR 11357) and May 13, 1976 (41 FR 19779).

Applicant states that it is negotiating with Boston Gas Company for the sale of 6,755 billion Btu of LNG.

The application states that the proposed initial base price would be $2.30 per million Btu, adjusted for losses and uses plus costs incurred under Applicant's Rate Schedule TS-1.

The application states further, that Applicant's existing facilities at its Everett, Massachusetts, terminal are adequate to make the proposed sales and that no additional facilities would be required.

Any person desiring to be heard or to make any protest with reference to said application shoud on or before June 30, 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. 76-17179 Filed 6-14-76;8:45 am]

[Docket No. CP75-287]

NORTHWEST PIPELINE CORP.

Petition To Amend

JUNE 8, 1976.

Take notice that on June 1, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-287 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said docket, by which petition Petitioner seeks authorization to (1) sell and deliver an increased seasonal quantity of natural gas pursuant to its Rate Schedule SGS-1, (2) deliver natural gas from the Jackson Prairie Storage Project during an extended withdrawal season, (3) inject natural gas into the Jackson Prairie Storage Project during the withdrawal season, and (4) sell and deliver reallocated volumes of peak day, seasonal, and best-efforts gas pursuant to Rate Schedule SGS-1, all as more fully set forth in the appendix hereto and in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has been determined that consistent with the orderly development of the Jackson Prairie Storage Project the seasonal withdrawal quantity should be increased to not less than 10,100,000 Mcf of gas and that the cushion gas inventory should be increased to not less than 15,200,000 Mcf. The proposed changes are said to represent an increase of 800,000 Mcf in the working gas inventory and an increase of 1,200,000 Mcf in the cushion gas inventory. The Jackson Prairie Storage Project participants, which include Petitioner, Washington Natural Gas Company, and Washington Water Power Company, are said to have agreed that the continued expansion of the seasonal quantity would permit the extension of the withdrawal season from the period, October 15 to April 15, to the period, October 1 to April 30.

The petition to amend states that the proposal to inject gas during the withdrawal season would permit maximum utilization of Petitioner's available gas supply during periods of low demands, e.g., weekends and holidays. It is stated that the gas injected during the withdrawal season would not be used to increase the seasonal withdrawal quantity proposed herein; but to the extent such volumes would be injected, they would be used in computing the daily deliverability from the Jackson Prairie Storage Project and would reduce the injection requirements during the next succeeding summer injection cycle.

Petitioner states that the proposed increase in seasonal quantity would not require the construction of any additional facilities on Petitioner's transmission system.

The proposed allocations for the 1976-77 heating season and thereafter are set forth in the appendix hereto.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Allocations of gas from the Jackson Prairie storage project*

	Currently effective (1,000 ft³)				Proposed for the 1976–77 heating season and thereafter (1,000 ft³)			
	Daily quantity			Seasonal quantity	Daily quantity			Seasonal quantity
	Firm	Best efforts	Total		Firm	Best efforts	Total	
California-Pacific Utilities Co.	4,229	1,015	5,244	131,094	2,987	718	3,705	100,552
Cascade Natural Gas Co.	26,714	6,395	33,109	827,709	18,886	4,522	23,408	635,820
Intermountain Gas Co.	22,314	5,342	27,656	691,830	15,771	3,775	19,546	530,970
Northwest Natural Gas Co.	37,076	8,874	45,950	1,149,223	26,210	6,273	32,483	882,389
Peoples Natural Gas, division of Northern Natural Gas Co.	724	172	896	22,008	514	120	634	17,313
Southwest Gas Corp.	8,942	2,135	11,077	277,498	11,600	2,775	14,375	390,533
Washington Natural Gas Co., and Washington Water Power Co., jointly	200,001	47,867	247,868	6,200,638	224,032	53,587	277,619	7,542,423
Total	300,000	71,800	371,800	9,300,000	300,000	71,770	371,770	10,100,000

[FR Doc.76–17178 Filed 6–14–76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, July 1, 1976, Thursday, July 15, 1976, Thursday, July 22, 1976, Thursday, July 29, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JUNE 10, 1976.

[FR Doc.76–17302 Filed 6–14–76;8:45 am]

FEDERAL RESERVE SYSTEM

BENSON BANCSHARES, INC.

Order Suspending Further Consideration of Application To Become a Bank Holding Company

Benson Bancshares, Inc., Benson, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88 per cent or more of the voting shares of Swift County Bank, Benson, Minnesota.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. During the course of its consideration of the instant application, the Board has become aware of certain facts that raise questions whether provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.) were fully observed in the acquisition of shares of Bank by the principals of Applicant. These questions may have a bearing on the Board's evaluation of the managerial resources of Applicant and Bank. Accordingly, the Board has determined that advice from the Securities and Exchange Commission, as to whether certain facts in the record on the instant application give rise to such a violation, is necessary to make a proper assessment of the managerial resources of Applicant and Bank and is therefore necessary to the Board's ultimate decision on the application.

Accordingly, further consideration of the application is hereby suspended pending receipt of the views of the Securities and Exchange Commission which today have been solicited.

By order of the Board of Governors,[1] effective June 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76–17371 Filed 6–14–76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Wallich.

DALE SPRAGUE ENTERPRISES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Dale Sprague Enterprises, Inc., Blue Mound, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of The Farmers State Bank of Blue Mound, Blue Mound, Kansas ("Bank"). The factors that are considered in acting on this application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in general insurance agency activities in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 51241). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating corporation organized for the purposes of becoming a bank holding company through the acquisition of Bank and engaging in the business of a general insurance agency. The proposed transaction involves the transfer of control of Bank from individuals to a corporation controlled by the same individuals. Upon acquisition of Bank, Applicant would control 0.03 per cent of the total deposits of commercial banks in Kansas.[1]

[1] All banking data are as of December 31, 1975.

Bank holds deposits of approximately $3.1 million, representing 8.2 per cent of the total deposits in commercial banks in the relevant banking market and ranks as the fifth largest of seven commercial banks operating in the market.[2] Since this proposal merely represents a reorganization of Bank's present ownership with no immediate change in Bank's operations, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any other adverse effects on competition in any relevant area. Accordingly, the Board concludes that the competitive considerations are consistent with approval of the application to become a bank holding company.

The financial condition and managerial resources of Bank and Applicant are regarded as satisfactory and the future prospects for each appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Considerations relating to convenience and needs also are regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Also incident to the reorganization of Bank's ownership, Applicant proposes to engage de novo in the business of a general insurance agency pursuant to § 225.4(a)(9)(iii)(a) of the Board's Regulation Y. Presently, there are no general insurance agencies in Blue Mound. Thus, it does not appear that engaging de novo in the business of a general insurance agency would have any significant adverse effects on existing or future competition. To the contrary, approval of the application would provide residents of the area with a convenient source of insurance services, which the Board regards as being in the public interest. Moreover, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act, and the balance of the public interest factors the Board must consider under § 4(c)(8) of the Act, both favor approval of Applicant's proposal.

[2] The relevant banking market is approximated by Linn County, Kansas.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the commencement of insurance agency activities shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective June 9, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17370 Filed 6-14-76;8:45 am]

TRINITY CAPITAL CORP.

Formation of Bank Holding Company

Trinity Capital Corporation, Los Alamos, New Mexico, has applied for the Board's approvel under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Los Alamos National Bank, Los Alamos, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 6, 1976.

Board of Governors of the Federal Reserve System, June 8, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17372 Filed 6-14-76;8:45 am]

WESBANCO, INC.

Formation of Bank Holding Company

Wesbanco, Inc., Wheeling, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1976.

Board of Governors of the Federal Reserve System, June 8, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17373 Filed 6-14-76;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Lilly. Absent and not voting: Governors Wallich and Partee.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 8, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 6, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision of Form 318, Request for Subsidiary Communications Authorization. Form 318 is required to be filed by licensees or permittees of FM Broadcast Stations requesting authority to establish or modify a subsidiary communication authorization pursuant to Sections 1.533, 1.539, and 72.293 of the Commission's Rules. Form 318 has been revised to include visual transmissions. Licensees or permittees seeking to renew a subsidiary communications authorization will no longer file Form 318 but will instead be required to file FCC Form 303-R. The FCC anticipates receiving 200 requests

annually and estimates that burden will average 40 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-17378 Filed 6-14-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-51]

RENEWAL OF ADVISORY COMMITTEES

Determination

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget Circular No. A-63 Revised, dated March 27, 1974, the NASA Administrator has determined that the renewal of the following existing NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. Applications Steering Committee (ASC) Ad Hoc Advisory Subcommittee for Evaluation of Advanced Applications Flight Experiment (AAFE) Program Proposals
2. ASC Ocean Dynamics Advisory Subcommittee
3. ASC Space Processing Advisory Subcommittee
4. ASC Space Processing Payload Advisory Subcommittee
5. NASA Historical Advisory Committee
6. NASA Wage Committee
7. Research and Technology Advisory Council (RTAC)
8. RTAC Committee on Aerodynamics and Configurations
9. RTAC Committee on Aeronautical Propulsion
10. RTAC Committee on Guidance, Control and Information Systems
11. RTAC Committee on Materials and Structures
12. RTAC Committee on Space Propulsion and Power
13. RTAC Panel on Aviation Safety & Operating Systems
14. RTAC Panel on Aviation Safety & Operating Systems Ad Hoc Panel on Terminal Configured Vehicles
15. RTAC Panel on Aviation Safety & Operating Systems, Subcommittee on Aviation Safety Reporting System
16. RTAC Panel on General Aviation Technology
17. RTAC Panel on Research
18. RTAC Panel on Space Vehicles
19. Space Program Advisory Council (SPAC)
20. SPAC Applications Committee
21. SPAC Life Sciences Committee
22. SPAC Physical Sciences Committee
23. SPAC Space Systems Committee
24. Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review Proposals for a Payload for the Lunar Polar Orbiter
25. Stratospheric Research Advisory Committee

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

JUNE 9, 1976.

[FR Doc.76-17295 Filed 6-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19566; 70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and Proposed Guarantee of Borrowings by Unaffiliated Coal Mining Company

JUNE 8, 1976.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, and its electric utility subsidiary company, Pennsylvania Power Company ("Penn Power"), 1 East Washington Street, New Castle, Pennsylvania 16103, have filed post-effective amendments to their application-declaration, as previously amended, with this Commission designating Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendments, summarized below, for a complete statement of the proposed transactions.

Ohio Edison and Penn Power along with Duquesne Light Company ("Duquesne"), the Cleveland Electric Illuminating Company and the Toledo Edison Company, all unaffiliated with Ohio Edison or Penn Power, have entered a joint development program for power generation and transmission known as the Central Area Power Coordination Group ("CAPCO"). On December 22, 1969, Ohio Edison, Penn Power and Duquesne, as buyers, entered into a 25-year coal supply agreement with the North American Coal Corporation, as seller, for supplying the coal requirements of a CAPCO generating unit and a supplementary agreement to develop a new mine also to supply the said unit. These agreements were assigned by the seller to its wholly-owned subsidiary, Quarto Mining Company ("Quarto"). On November 30, 1971, the CAPCO companies entered into an agreement directly with Quarto to provide for the coal requirements of other CAPCO company generating units and to provide for additions to the new mine and the development of other new mines.

Ohio Edison and Penn Power have previously been authorized in this proceeding to (1) enter into certain transactions to finance the operation and expansion of the Quarto mining activities and (2) incur short-term borrowings in connection with their normal operations. The authority granted to Ohio Edison and Penn Power in these matters expires June 30, 1976 (HCAR Nos. 18511, 19066 and 19298, dated July 26, 1974, June 30, 1975 and December 16, 1975, respectively).

Ohio Edison and Penn Power now request authority through June 30, 1977, to make short-term borrowings and guarantees of borrowings by Quarto and the Quarto owner-trustee up to $166,000,000 by Ohio Edison and $30,000,000 by Penn Power. In no event would the amount outstanding exceed 10% of the aggregate of (1) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by company presently outstanding and (2) the present aggregate of the par value of, or started capital represented by, the outstanding shares of all classes of stock and of the surplus of such company, paid in, earned and other, if any. The amount of permissible unsecured indebtedness under the companies' charters is in each case similarly restricted.

The short-term borrowings to be made by Quarto and/or the Owner-Trustee, the repayment of which are to be guaranteed by the CAPCO companies, will be primarily under lines of credit established with five banks as follows:

Bank name	Amount	Expected terms	Estimated effective rates with prime at 7 pct	
			½ utilization	Full utilization
	Millions		*Percent*	*Percent*
Cleveland Trust Co	$5	117 pct of prime	8.19	8.19
The Chase Manhattan Bank, National Association.	15	110 pct of prime and 10 pct of prime fee on line in lieu of balances.[1]	9.10	8.40
Central National Bank of Cleveland.	5	Prime rate; ½ pct commitment fee on unsued line.	7.50	7.00
Mellon Bank, National Association.	20	107 pct of prime	7.49	7.49
Society National Bank of Cleveland.	3	Prime plus 1 pct	8.00	8.00
Union Commerce Bank	6	Prime plus ¾ pct	7.75	7.75
Total weighted average	54		8.06	7.82

[1] Fee amount subject to reduction based upon account balance.

In addition to the authority to guarantee short-term borrowings by Quarto and/or the owner-trustee, as outlined above, Ohio Edison and Penn Power also request authority to borrow from banks for their own respective accounts. Those borrowings will be evidenced by notes maturing not more than 9 months from their date of issue and will be prepayable at any time without penalty. Ohio Edison requests authority to borrow up to the following amounts from the following banks upon the terms indicated:

Bank	Amount of line	Interest rate	Average compensating balances	Effective rate (based on prime rate of 6¾ pct.)
	Millions			*Percent*
Group of 51 banks headed by 1st National Bank of Akron.	$39	Prime	None	[1] 7.44
The Chase Manhattan Bank, National Association.	20	110 pct of prime	10 pct of line	8.25
Citibank, National Association	20	do	do	8.25
Cleveland Trust Co	15	do	do	8.25
Irving Trust Co	12	do	do	8.25
Morgan Guaranty Trust Co	12	do	do	8.25
National City Bank, Cleveland, Ohio.	10	do	do	8.25
Central National Bank of Cleveland	5	do	do	8.25
Society National Bank of Cleveland	2	do	do	8.25
Total	135			[2] 8.02

[1] Treating normal working balances as compensating balances.
[2] Weighted average effective cost.

Ohio Edison also requests authority to borrow funds from the trust departments of the following banks on the following terms:

Trust department	Amount	Interest rate [1]
Cleveland Trust Co	$10,000,000	Highest rate of General Motors Acceptance Corp. commercial paper with maturity from 30 to, and including, 180 d plus ¼ pct.
First National Bank of Akron	[2] 5,000,000	Ford Motor Credit Co., 180-d commercial paper rate.
Akron National Bank & Trust Co.	2,000,000	General Motors Acceptance Corp. 180-d commercial paper, plus ⅛ pct.

[1] The rates noted would be converted to the annual simple interest equivalent since they are quoted on a discount basis. The interest payable by Ohio Edison on outstanding loans would change from time to time based on changes in the commercial paper rates specified.
[2] Subject to approval of Ohio Edison's board of directors, this amount may be increased to $10,000,000.

Penn Power also requests authority to borrow the following amounts from banks on the following terms:

Bank	Amount of line	Interest rate	Average compensating balances	Effective rate (base on prime rate of 6¾ pct)
	Millions			*Percent*
Group of 9 banks	$11	Prime	None	[1] 7.52
1st National City Bank of New York	5	110 pct of prime	do	8.10
Total	16			[2] 7.70

[1] Treating normal working balances as compensating balances.
[2] Weighted average effective rate.

NOTE.—Taking into account a fee in lieu of compensating balances equal to 10 pct of the prime rate times the line of credit.

These short-term borrowings together with guarantees in connection with Quarto are not to exceed $166,000,000 in the case of Ohio Edison and $30,000,000 for Penn Power. The proceeds from the issue and sale of the notes will be used by Ohio Edison and Penn Power for their construction programs or to reimburse their treasuries for such construction expenditures.

It is stated that the Pennsylvania Public Utilities Commission has jurisdiction over certain aspects of the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions (in addition to fees and expenses previously authorized for payment in this file) are estimated at (i) $4,500, including legal fees of $2,400 for Ohio Edison and (ii) $1,500 for Penn Power including legal fees of $600.

Notice is further given that any interested person may, not later than June 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exception 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 postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17374 Filed 6-14-76;8:45 am]

[Release No. 12518; SR-PBW-76-6]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 7, 1976.

On April 12, 1976, the Philadelphia Stock Exchange, Inc. ("PHLX") 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103,[1] filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to permit PHLX to monitor and regulate transactions of its officers and employees in underlying securities which are the subject of options trading on that exchange and permit officers and employees of PHLX to engage in transactions in options listed other than on PHLX. The Pacific Stock Exchange, Inc. ("PSE") and the Chicago Board Options Exchange, Inc. ("CBOE") presently have provisions that are like PHLX's proposal.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12332, April 12, 1976) and by publication in the FEDERAL REGISTER (41 FR 16535, April 19, 1976).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 12, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17376 Filed 6-14-76;8:45 am]

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[1] The Exchange's name was recently changed from the PBW Stock Exchange, Inc. to the Philadelphia Stock Exchange, Inc.; the file number referenced above (SR-PBW-76-6) contained the Exchange's prior initials (PBW) and was assigned before the name-change.

[2] CBOE Constitution Article XI, Section 11.4 and PSE Rule VI, Section 85.

[Release No. 12524; SR-OCC-76-2]

THE OPTIONS CLEARING CORP.

Order Approving Proposed Rule Change Submitted by the Options Clearing Corporation

JUNE 8, 1976.

On March 30, 1976, The Options Clearing Corporation ("OCC") (6150 Sears Tower, 233 South Wacker Drive, Chicago, Illinois), submitted pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, a proposed rule change amending Rule 604 of the Rules of The Options Clearing Corporation. The rule change codifies OCC's treatment of the custody of margin deposits held by OCC on behalf of OCC's clearing members.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 F.R. 17826, June 2, 1976), and the public was invited to submit comments. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12355, April 20, 1976. No letters of comment were received.

The Commission has reviewed the proposed rule change contained in File No. SR-OCC-76-2 and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b) (2) of the Act, that the proposed rule change contained in File No. SR-OCC-76-2 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17375 Filed 6-14-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 8, 1976, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Elkins Institute, Inc., Memphis, Tennessee, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: June 8, 1976.

R. S. BIELAK,
Director, VA Regional Office.

[FR Doc.76-17327 Filed 6-14-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NEVADA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974 notice was published in the FEDERAL REGISTER (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision.

The Nevada plan provides for the adoption of Federal standards as State standards by reference. The Nevada State plan submitted on December 12, 1972, and designated as Subpart W sets forth the State's schedule for the adoption of Federal standards. By letter dated February 13, 1976, from Ralph Langley to Gabriel Gillotti and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, as published in the Federal Register (37 FR 22102) dated October 18, 1972, and all amendments thereto through July 28, 1975, 29 CFR Part 1926 as published in the Federal Register (37 FR 27503) dated December 16, 1972, and all amendments thereto through July 4, 1974. These standards, which are contained in Department of Occupational Safety & Health, Nevada Industrial Commission Occupational Safety and Health Standards and Safety and Health Standards for Construction, were promulgated by resolution adopted by Department of Occupational Safety and Health of the Nevada Industrial Commission between July 1, 1973, and June 27, 1975, pursuant to Nevada Occupational Safety and Health Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the comparable Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102; Director, Department of Occupational Safety and Health, 515 East Musser Street, Carson City, Nevada, 89714; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator—OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective June 15, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at San Francisco, California this 23rd day of April, 1976.

GABRIEL J. GILLOTTI,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-17424 Filed 6-14-76;8:45 am]

Office of the Secretary

[TA-W-745]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-745 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Brantley, Alabama plant of Alatex, Inc. Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc. its customers, the U.S. Department of

Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absoutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Brantley plant declined 14.0 percent in 1975 compared to 1974 and decined 4.3 percent in the first quarter of 1975 compared to the first quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Sales declined 25.6 percent in the first quarter of 1975 compared to the first quarter of 1974.

Plant production declined 50.2 percent in 1975 compared to 1974 and declined 21.1 percent in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS

Imports of men's dress and sport shirts, woven and knit, increased from 137,467 thousand units in 1974 to 151,541 thousand units in 1975, an increase of 10.2 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Brantley, Alabama plant of Alatex, Inc. contributed importantly to the total or partial separation of the workers of Alatex, Inc. In accordance with the provisions of the Act, I make the following certifications.

"All employees at the Brantley, Alabama plant of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17416 Filed 6-14-76;8:45 am]

[TA-W-74]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-747: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Troy and Pike plants in Troy, Alabama of Alatex, Inc., Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 20, 1976 (41 FR 16620). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Troy, Alabama plant declined 13.7 percent in 1975 compared to 1974. Production workers at the Troy plant declined 11.0 percent in the first quarter of 1975 compared to the first quarter of 1974.

The average number of production workers at the Pike plant decreased 24.6 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of men's dress shirts declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Company sales of men's dress shirts declined 25.6 percent in the first quarter of 1975 compared to the first quarter of 1974.

Production at the Troy plant declined 13.9 percent in 1975 compared to 1974 and declined 13.8 percent in the first quarter of 1975 compared to the first quarter of 1974.

Production at the Pike plant declined 37.2 percent in 1975 compared to 1974 and declined 18.4 percent in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS

Imports of men's and boys' dress and sport shirts, woven and knit, increased from 137,467 thousand units in 1974 to 151,541 thousand units in 1975, an increase of 10.2 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Troy and Pike plants of Alatex, Inc. contributed importantly to the total or partial separation of the workers of Alatex, Inc.

In accordance with the provisions of the Act, I make the following certifications.

"All employees of the Troy and Pike plants in Troy, Alabama of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17417 Filed 6-14-76;8:45 am]

[TA-W-891]

BEAUNIT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated May 4, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Humacao, P.R. plant of Beaunit Corporation, Raleigh, North Carolina (TA-W-891).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with acetate and nylon fabrics used mostly for lingerie produced by Beaunit Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-17422 Filed 6-14-76;8:45 am]

[TA-W-816]

BELLE COUNTER CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-816; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 26, 1976 in response to a worker petition received on April 26, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing counters for shoes at the Belle Counter Company, Belle, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20041). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Belle Counter Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of shoe counters. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In addiiton, industry spokesman indicated that there are no imports of this item.

Imports of shoes which incorporate counters of the same origin are not like or directly competitive with shoe counters produced by Belle Counter Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Belle Counter Company are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 2d day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17421 Filed 6-14-76;8:45 am]

BROWN SHOE CO. WAREHOUSE

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-692: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America on behalf of workers and former workers of the Brown Shoe Company Warehouse, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14228). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with articles produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Empolyment of workers engaged in warehousing operations at the St. Louis

warehouse of Brown Shoe Company declined eight percent in 1975 compared to 1974 and declined two percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments by the St. Louis warehouse declined 30 percent in 1975 from 1974. The St. Louis warehouse stores and distributes only women's footwear all of which is produced by Brown Shoe Company at plants in Arkansas, Illinois, Missouri, Mississippi, and Tennessee.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear increased from 183.0 million pairs in 1970 to 198.6 million pairs in 1975. Imports increased relative to domestic production and consumption from 78.7 percent and 44.0 percent respectively in 1970 to 105.1 percent and 51.3 percent respectively in 1975. Imports increased both absolutely and relative to domestic production and consumption in 1975 compared to 1974.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that declines in shipments and related employment reductions at the St. Louis warehouse were due to reduced production of women's footwear by Brown Shoe Company. Customers of women's footwear produced by Brown and stored at the St. Louis warehouse indicated that increased imports of women's footwear influenced their decisions to reduce purchases from Brown.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced by Brown Shoe Company contributed importantly to the separation of workers of the St. Louis warehouse. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers engaged in the storage and distribution of women's footwear at the Brown Shoe Company warehouse on Gustine Avenue, St. Louis, Missouri, who became or will become totally or partially separated from employment on or after February 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17414 Filed 6-14-76;8:45 am]

[TA-W-764]

COPPERWELD STEEL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-764: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America AFL-CIO on behalf of workers and former workers producing carbon and alloy steel bars and billets at the Warren, Ohio plant of Copperweld Steel Company, a subsidiary of Copperweld Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 17029-17030) on April 23, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copperweld Steel Company, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that with respect to carbon steel bars, the first two criteria have been met and the third and fourth criteria have not been met. The investigation also revealed that with respect to alloy steel bars, the first three criteria have been met and the fourth criterion has not be met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 16 percent in 1975 compared to 1974. Workers are used interchangeably in the production of both products.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 23 percent in 1975 compared to 1974. Production declined 25 percent in 1975 compared to 1974.

INCREASED IMPORTS

Carbon steel bars and alloy steel bars accounted for more than 95 percent of plant output. Imports of carbon steel bars increased from 876.6 thousand net tons in 1971 to 935.9 thousand net tons in 1972 before declining in each succeeding year through 1975. In 1975, imports of carbon steel bars were 488.7 thousand net tons. The ratio of impors to domestic shipments was 13.1 percent in 1971 and declined in each succeeding year to 7.7 percent in 1975.

Imports of alloy steel bars declined from 99.4 thousand net tons in 1971 to 44.4 thousand net tons in 1974 before increasing to 74.5 thousand net tons in 1975. The ratio of imports to domestic shipments declined from 4.6 percent in 1971 to 1.4 percent in 1974 before increasing to 3.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

Most customers of Copperweld reported that they do not purchase imported carbon steel or alloy steel bars. Those that do have reduced purchases of imported steel bars. Those customers that reduced purchases from Copperweld indicated that their decisions to do so were prompted by excessive inventory levels. These excessive inventories were caused by large purchases in 1974 followed by declining demand for steel products in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel and alloy steel bars and billets produced at the Warren, Ohio plant of the Copperweld Steel Company, a subsidiary of Copperweld Corporation, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17419 Filed 6-14-76;8:45 am]

[TA-W-603]

CRUCIBLE, INC., SPECIALTY METALS DIVISION

Notice of Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on April 16, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to all employees of the Syracuse, New York plant of the Specialty Metals Division of Crucible, Inc., a subsidiary of Colt Industries as well as all employees of the Specialty Metals Division of the same company employed at the Division's sales

offices and warehouses in the following cities:

Auburn, Maine	Detroit, Mich.
Caldwell, N.J.	Chicago, Ill.
Charlotte, N.C.	Dallas, Tex.
Cleveland, Ohio	Portland, Oreg.
Indianapolis, Ind.	Syracuse, N.Y.
Cincinnati, Ohio	

The notice of certification was published in the FEDERAL REGISTER (41 FR 17030) on April 23, 1976.

In an oversight, the following district sales offices and warehouses were omitted from the original certification:

Columbus, Ohio; Los Angeles, California; and Minneapolis, Minnesota. Furthermore, one of the certified offices was incorrectly listed as Auburn, Maine rather than Auburn, Massachusetts.

Accordingly the certification issued on April 16, 1976 is hereby amended to include the additional locations and the correction listed above.

Signed at Washington, D.C. this 18th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17412 Filed 6-14-76;8:45 am]

[TA-W-613]

DO-ALL BRASSIERE CORP.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-613: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on that date which was filed by the Corset and Brassiere Workers' Union, Local 32, on behalf of workers and former workers of the Do-All Brassiere Corporation engaged in the production of brassieres.

The notice of investigation was published in the FEDERAL REGISTER of March 12, 1976 (41 FR 10639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Do-All Brassiere, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 12 percent from 1973 to 1974. Employment decreased 21 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The sales value of Do-All's product declined 7 percent between 1973 and 1974, and then declined 22 percent in 1975 compared to 1974.

INCREASED IMPORTS

U.S. imports of brassieres have increased in absolute terms each year from 1971 through 1975. Imports increased from 6.2 million dozen in 1974 to 6.9 million dozen in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Do-All Brassiere Corporation increased their purchases of imported brassieres. Customers indicated that styling of imported brassieres was causing the shift to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the Do-All plant contributed importantly to the total or partial separations of the workers at that firm. In accordance with provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of brassieres at the Do-All Brassiere Corporation, located in Brooklyn, New York, to became totally or partially separated from employment on or after February 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17413 Filed 6-14-76;8:45 am]

[TA-W-107, 411-468, 476-482, 563, 593]

GENERAL MOTORS CORP.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-107, 411-468, 476-482, 563, 593: investigations regarding certifications of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 18, 1975 in response to worker petitions (TA-W-107, 409-482, 563, 593) received on the same date which were filed by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW) and the International Union of Electrical, Radio and Machine Workers (IUE) on behalf of workers and former workers engaged in the production of full size cars, subcompact cars and components for such cars at seventy-seven (77) plants of the General Motors Corporation, Detroit, Michigan. This determination applies to workers at the sixty-eight (68) plants which produced components for General Motors automobiles.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 1342-3) on January 7, 1976. A public hearing was properly requested by the UAW and was held on January 26, 1976.

The information upon which the determinations were made was obtained principally from officials of General Motors Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a signficant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directy competitive with those produced by the firm or subdivision are being imported in increased quantities, either absolutely or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers declined from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Willow Springs, Illinois—9.1 percent; Mansfield, Ohio—6.5 percent; Flint, Michigan (Chevrolet)—12.3 percent; Livonia, Michigan—19.5 percent; Lordstown, Ohio—14.3 percent; Cleveland, Ohio—3.4 percent; Pittsburgh, Pennsylvania—22.7 percent;

Grand Blanc, Michigan—10.6 percent; Grand Rapids, Michigan (No. 1)—4.1 percent; Fairfield, Ohio (Hamilton)—3.5 percent; Kalamazoo, Michigan—8.1 percent; Marion, Indiana—16.4 percent; Casting—Saginaw, Michigan—14.8 percent; Tonawanda, New York—19.5 percent; Massena, New York—15.0 percent; Electrical Products—Anderson, Indiana—10.4 percent; New Brunswick, New Jersey—9.6 percent; Kokomo, Indiana—10.4 percent; Muncie, Indiana—21.4 percent; Anderson, Indiana (Guide Division)—12.5 percent; Climate Control—Dayton, Ohio—15.8 percent; Lockport, New York—9.2 percent; Buffalo, New York—13.5 percent; Bearings—Clark, New Jersey—8.2 percent; Software—Tecumseh, Michigan—4.7 percent; Grand Rapids; Michigan (No. 2)—19.2 percent; Hardware—Elyria, Ohio—15.3 percent; Columbus, Ohio—9.6 percent; Flint, Michigan (Coldwater Road)—14.9 percent; Detroit, Michigan—4.3 percent; Trenton, New Jersey—13.6 percent; Foundries—Defiance, Ohio—8.8 percent; Danville, Illinois—11.0 percent; Saginaw, Michigan—15.5 percent; Manufactured Parts—Bay City, Michigan—13.5 percent; Saginaw, Michigan—22.3 percent; Axles—Buffalo, New York—26.9 percent; Detroit, Michigan—15.2 percent; Lansing, Michigan—8.8 percent; Warren, Michigan—7.7 percent; Transmissions and Chassis—Muncie, Indiana—5.2 percent; Parma, Ohio—18.0 percent; Toledo, Ohio—3.0 percent; Engines—Flint, Michigan (V-8)—8.0 percent; Flint, Michigan—23.7 percent; Flint, Michigan (AC Spark Plug)—9.9 percent; Rochester, New York—2.6 percent; Tonawanda, New York—13.9 percent; Body Assembly—Lansing, Michigan—0.1 percent; Pontiac, Michigan—19.4 percent; Forging—Tonawanda, New York—20.6 percent; Detroit, Michigan—7.2 percent; Miscellaneous—Saginaw, Michigan—8.3 percent; Dayton, Ohio—10.1 percent; Saginaw, Michigan (Chevrolet)—14.2 percent.

The average number of hourly workers increased from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Flint, Michigan (No. 1)—16.4 percent; Castings—Bedford, Indiana—2.6 percent; Electrical Products—Olathe, Kansas—6.4 percent; Bearings—Bristol, Connecticut—6.6 percent; Sandusky, Ohio—2.1 percent; Software—Cleveland, Ohio (Euclid)—4.6 percent; Livonia, Michigan—2.6 percent; Hardware—Syracuse, New York—2.7 percent; Transmissions and Chassis—Ypsilanti, Michigan (Willow Run)—3.5 percent; Engines—Milwaukee, Wisconsin—172.9 percent.

The average number of hourly workers did not change at the Diesel Equipment Division Grand Rapids, Michigan plant from model year 1974 to model year 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars declined in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Mansfield, Ohio—2.5 percent; Flint, Michigan (Chevrolet)—29.7 percent; Livonia, Michigan—46.9 percent; Lordstown, Ohio—22.7 percent; Pittsburgh, Pennsylvania—27.1 percent; Grand Blanc, Michigan—8.6 percent; Fairfield, Ohio (Hamilton)—10.0 percent; Kalamazoo, Michigan—23.2 percent; Casting—Saginaw, Michigan—27.7 percent; Bedford, Indiana—12.4 percent; Tonawanda, New York—43.7 percent; Massena, New York—45.6 percent; Electrical Products—New Brunswick, New Jersey—12.1 percent; Kokomo, Indiana—27.0 percent: Anderson, Indiana (Guide Division)—10.9 percent; Climate Control—Lockport, New York—31.0 percent; Buffalo, New York—30.5 percent.

Bearings—Clark, New Jersey—26.9 percent; Bristol, Connecticut—24.5 percent; Sandusky, Ohio—24.6 percent; Software—Grand Rapids, Michigan (No. 2)—15.9 percent; Hardware—Elyria, Ohio—13.0 percent; Columbus, Ohio—7.1 percent; Flint, Michigan (Coldwater Road)—18.6 percent; Detroit, Michigan—17.9 percent; Trenton, New Jersey—11.7 percent; Foundries—Defiance, Ohio—21.5 percent; Danville, Illinois—15.6 percent; Saginaw, Michigan—9.9 percent; Manufactured Parts—Bay City, Michigan—11.2 percent; Saginaw, Michigan—13.3 percent; Axles—Buffalo, New York—33.1 percent; Lansing, Michigan—36.5 percent; Warren, Michigan—20.8 percent; Transmissions and Chassis—Muncie, Indiana—20.4 percent; Parma, Ohio—26.6 percent; Toledo, Ohio—19.1 percent; Ypsilanti, Michigan (Willow Run)—20.4 percent; Engines—Flint, Michigan—34.4 percent; Flint, Michigan (AC Spark Plug)—9.5 percent; Rochester, New York—5.8 percent; Tonawanda, New York—37.2 percent; Body Assembly—Pontiac, Michigan—20.1 percent; Forging—Tonawanda, New York—22.9 percent; Detroit, Michigan—16.1 percent; Miscellaneous—Saginaw, Michigan—2.5 percent; Saginaw, Michigan (Chevrolet)—8.7 percent; Grand Rapids, Michigan—9.7 percent.

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars increased in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Willow Springs, Illinois—24.0 percent; Flint, Michigan (No. 1)—38.3 percent; Cleveland, Ohio—8.6 percent; Grand Rapids, Michigan (No. 1)—30.7 percent; Marion, Indiana—6.8 percent; Electrical Products—Anderson, Indiana—5.2 percent; Muncie, Indiana—0.1 percent; Climate Control—Dayton, Ohio—3.2 percent; Software—Cleveland, Ohio (Euclid)—2.0 percent; Livonia, Michigan—7.4 percent; Hardware—Syracuse, New York—11.4 percent; Axles—Detroit, Michigan—17.0 percent; Engines—Flint, Michigan (V-8)—3.3 percent; Milwaukee, Wisconsin—884.9 percent; Body assembly—Lansing, Michigan—16.0 percent; Miscellaneous—Dayton, Ohio—1.2 percent.

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars remained unchanged in real terms from model year 1974 to model year 1975 at the Delco Remy Olathe, Kansas plant.

Neither the Fisher Body Division Tecumseh, Michigan plant nor the Fisher Body Division Detroit, Michigan central parts plant sold or produced parts for the allegedly affected cars in model year 1974 or model year 1975.

Increased Imports

Retail sales of new automobiles in the U.S. declined 18.3 percent from MY 1973 to MY 1974 and delcined 14.4 percent from MY 1974 to MY 1975. Sales of domestically built cars declined more rapidly, falling 19.6 percent from MY 1973 to MY 1974 and 20.4 percent from MY 1974 to MY 1975. Imports of new cars declined 14.0 percent from MY 1973 to MY 1974 and then increased 4.6 percent from MY 1974 to MY 1975. Imports increased their share of domestic consumption from 22.8 percent in MY 1973 to 24.0 percent in MY 1974 and to 29.3 percent in MY 1975.

The decline in retail sales of full size cars was more pronounced than the decline in the market as a whole. Sales of full size cars fell by 1.5 million units or 39.6 percent from MY 1973 to MY 1974 and fell by 0.7 million units or 32.4 percent from MY 1974 to MY 1975. Sales of domestically produced full size cars fell even more sharply, decreasing 39.7 percent from MY 1973 to MY 1974 and 39.9 percent from MY 1974 to MY 1975. Sales of imported full size cars, which are produced only in Canada, decreased from 26 thousand units comprising 0.7 percent of the market in MY 1973 to 21 thousand units comprising 0.9 percent of the market in MY 1974. In MY 1975, import sales rose abruptly to 182 thousand units compirsing 12.0 percent of the domestic full size car market.

The decline in retail sales of subcompact cars was less pronounced than the decline in the market as a whole. Sales of subcompact cars fell by 365 thousand units or 15.0 percent from MY 1973 to MY 1974 and fell by 188 thousand units or 9.1 percent from MY 1974 to MY 1975. Sales of domestically produced subcompact cars declined 11.8 percent from MY 1973 to MY 1974 and 25.0 percent from MY 1974 to MY 1975. Sales of imported subcompact cars decreased from 1,630 thousand units comprising 67.0 percent of the U.S. subcompact car market in MY 1973 to 1,360 thousand units comprising 65.7 percent of the market in MY 1974. In MY 1975, import sales declined slightly in absolute terms to 1,349 thousand units but rose to 71.7 percent of domestic sales.

In contrast to the full size and subcompact markets, domestic sales of luxury small cars rose sharply during the same period, increasing 30.8 percent from MY 1973 to MY 1974 and 64.6 percent from MY 1974 to MY 1975. Sales of domestically produced luxury small cars increased 91.8 percent from MY 1973 to MY 1974 and 71.0 percent from MY 1974 to MY 1975. Sales of imported luxury

small cars decreased 10.2 percent from MY 1973 to MY 1974 and then increased 55.3 percent from MY 1974 to MY 1975. The market share held by imports declined steadily from 59.8 percent in MY 1973 to 41.0 percent in MY 1974 and to 38.7 percent in MY 1975.

Sales of imported intermediate cars declined 19.1 percent from MY 1973 to MY 1974 and 6.9 percent from MY 1974 to MY 1975. Sales of imported compact cars increased 8.7 percent from MY 1973 to MY 1974 and then decreased 58.2 percent from MY 1974 to MY 1975.

CONTRIBUTED IMPORTANTLY

The Department of Labor previously determined that increased imports of Chevrolet full size cars from Canada and overseas imports of subcompact cars "contributed importantly" to the total or partial separation of workers employed in the production of Chevrolet full size cars and General Motors subcompact cars at three General Motors assembly plants. (41 FR 18487–9). The determination of injury to workers producing Chevrolet full size cars was based upon the finding that imports of Chevrolets from Canada increased from MY 1974 to MY 1975, and the Canadian built Chevrolets were perfect substitutes for the domestically produced Chevrolets, and that the increase in Chevrolet imports was equal to 29 percent of the decline in domestic Chevrolet production.

The determination of injury to workers producing General Motors subcompact cars was based on the finding that sales of imported subcompact cars, including those produced in Canada, as a percentage of domestic subcompact car consumption increased from 65.7 percent in MY 1974 to 71.7 percent in MY 1975 and that consumers in the MY 1975 period shifted their purchases to foreign subcompacts. Sales of subcompacts imported from overseas increased from 54.6 percent to 65.9 percent of domestic subcompact car sales.

It was further determined that imports of cars other than full size Chevrolets and subcompacts had a negligible impact on General Motors domestic production of full size and subcompact cars.

Nearly all of the auxiliary plants produce only a fraction of their output for use in full size Chevrolets and General Motors subcompact cars. Further, in terms of value, more than one-third of the content of Chevrolets imported from Canada in MY 1975 was supplied by the petitioning General Motors auxiliary plants. Consequently, the impact of subcompact and full size Chevrolet imports on sales of General Motors' domestic auxiliary plants is reduced by (1) the degree to which the petitioning auxiliary plants produced parts for use in cars other than full size Chevrolets and General Motors subcompacts and (2) the degree to which the petitioning auxiliary plants supplied parts for use in Canadian built Chevrolets that were exported to the United States.

Less than one-fourth of the ouput of each petitioning auxiliary plant was produced for use in full size Chevrolets. Since more than one-third of the content of imported Chevrolets was supplied by the petitioning auxiliary plants and since the increase in Chevrolet imports from MY 1974 to MY 1975 was equal to only 29 percent of the decline in domestic Chevrolet production, the Canadian content of increased imports of full size Chevrolets could explain only 19.3 percent (29 percent discounted by one-third) of the decline in General Motors production of parts for use in full size Chevrolets. After an allowance is made for declines in sales of parts for use in other cars, increased Chevrolet imports could account for between 10 percent and 20 percent of the decline in total plant sales at twelve auxiliary plants. Not more than one-fifth of the output at any of the twelve plants was produced for use in full size Chevrolets. Only one of the twelve plants produced a significant proportion of its output (more than one-fourth) for use in full size Chevrolet and General Motors subcompact cars, but sales of parts for use in such cars increased by 24.0 percent from MY 1974 to MY 1975 at that plant. The remaining auxiliary plants produced less than one-fourth of their output for use in such cars.

Four of the petitioning auxiliary plants produced a significant proportion of their output for use in General Motors subcompact cars. The Lordstown, Ohio stamping plant produced all of its output for such use. The Massena, New York casting plant; the Buffalo, New York axle plant and the Tonawanda, New York engine plant produced one-fourth to slightly over one-third of their output for subcompact cars. It is concluded that increased imports of full size and subcompact cars contributed importantly to decreased sales and employment only at the four plants listed above. Declines in dollar sales (in real terms) and in employment at those plants are as shown below.

Sales of parts for use in Chevrolet full size cars and General Motors subcompact cars and total plant employment declined by the following percentages from MY 1974 to MY 1975 at the plants listed below: Lordstown, Ohio stamping plant—22.7 percent and 14.3 percent; Massena, New York casting plant—45.6 percent and 15.0 percent; Buffalo, New York axle plant—33.1 percent and 26.9 percent; and Tonawanda, New York engine plant—37.2 percent and 13.9 percent.

The remaining petitioning auxiliary plants include cases TA–W–107, 414, 415, 417–468, 476–482, 563, 593. Petition TA–W–482 was filed on behalf of workers believed to be producing automotive software at the Grand Blanc, Michigan plant of the Fisher Body Division. It was subsequently determined that the only Fisher Body Division plant in Grand Blanc produced automotive stampings and not software.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases in imports like or directly competitive with General Motors subcompact cars contributed importantly to the total or partial separation of workers producing parts for such General Motors cars at the Lordstown, Ohio stamping plant; Massena, New York casting plant; Buffalo, New York axle plant; and Tonawanda, New York engine plant of the General Motors Corporation. I further conclude that increases of imports like or directly competitive with General Motors cars did not contribute importantly to the total or partial separation of workers at the remaining sixty-four (64) petitioning auxiliary plants.

In accordance with the provisions of the Act, I make the following certifications:

All hourly and salaried workers of the General Motors Corporation, Lordstown, Ohio stamping plant (TA–W–411), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Massena, New York casting plant (TA–W–413), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Buffalo, New York axle plant (TA–W–416), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Tonawanda, New York engine plant (TA–W–412), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1976.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.76–17410 Filed 6–14–76;8:45 am]

[TA–W–759]

GREEN RIVER STEEL CORP.

Notice of Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–759: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976,

which was filed by the United Steelworkers of America on behalf of workers producing alloy steel bars and billets at the Owensboro, Kentucky plant of the Green River Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 17645) on April 27, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Green River Steel Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers declined 2 percent from 1973 to 1974, and then decreased 6 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Steel billets account for 80 percent of Green River's sales Company sales declined 4 percent from 1973 to 1974, and then declined 14 percent in 1975.

INCREASED IMPORTS

Alloy steel billets are not separately identified in the Tariff Schedules of the United States (Annotated), but are included with the data on alloy steel ingots, castings, blooms, billets, slabs, and sheet bars. Imports of these products decreased from 1973 to 1974, and then increased from 1974 to 1975. Ratios of imports to domestic shipments and consumption increased from .28 and .28 percent, respectively, in 1974, to .34 and .34 percent in 1975.

Imports of alloy steel bars decreased from 1973 to 1974, and then increased from 1974 to 1975. Ratios of imports to domestic shipments and consumption of alloy steel bars increased from 1.2 percent and 1.2 percent, respectively, in 1974, to 2.9 percent and 2.9 percent, respectively, in 1975, but remained below the 5 year average from 1971 through 1975.

CONTRIBUTED IMPORTANTLY

Customers for most of the company's sales stated that they decreased purchases due to slow business conditions in the forging industry and that they did not switch to imports. It was also stated that boron-treated bars and billets similar to those produced by the Green River Steel Corporation are not produced abroad.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with alloy steel bars and billets produced at the Owensboro, Kentucky plant of the Green River Steel Corporation did not contribute importantly to the total or partial separations at that plant.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17418 Filed 6-14-76;8:45 am]

[TA-W-793]

GTE SYLVANIA, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-793: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 9, 1976 in response to a worker petition received on April 9, 1976 which was filed on behalf of workers and former workers producing automated equipment and television tube yokes at the respective GET Sylvania, Inc. plants in Emporium, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed during the Department's investigation reveals that the petitioning plants produce custom made products for GTE Sylvania and that the petitioning plants are the only suppliers of the respective products for GTE Sylvania. There are no imports of the products produced at the petitioner's plants.

The production of yokes is dependent upon the production of television picture tubes by GTE Sylvania as the yokes are custom designed for use in television picture tubes produced by GTE Sylvania, Inc. The sale of monochrome and color television picture tubes by GTE Sylvania declined 18.4 percent in 1974 compared to 1973 and declined 36.3 percent in 1975 compared to 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of yokes and automated equipment which are produced by the GTE Sylvania Yoke and Equipment Development plants in Emporium, Pennsylvania did not contribute importantly to the total or partial separations of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17420 Filed 6-14-76;8:45 am]

[TA-W-734]

MODERNE GLOVE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-734: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing

Workers of America on behalf of workers and former workers producing leather dress gloves at the Moderne Glove Company, Gloversville, New York.

The notice of investigation was published in the FEDERAL REGISTER April 13, 1976 (41 FR 15492). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Moderne Glove Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directy competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria has been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that imports of leather dress and semi-dress gloves have declined absolutely and relatively in every year from 1972 through 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that artices like or directly competitive with those produced by Moderne Glove Company are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17415 Filed 6-14-76;8:45 am]

[TA-W-380]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP.

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on February 22, 1976 the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance applicable to all hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at the Aliquippa plant of Universal-Cyclops Specialty Steel Division, Aliquippa, Pennsylvania. The notice of certification was published in the FEDERAL REGISTER (41 FR 9639) on March 5, 1976.

On the basis of a further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the certification issued by the Department on February 22, 1976 is hereby revised to change the impact date to include within the coverage of the certification additional workers who became totally or partially separated several days prior to the impact date.

Such revised certification is hereby made as follows:

"All hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at Universal Cyclops Specialty Steel Division of Cyclops Corporation, Aliquippa plant, located in Aliquippa, Pennsylvania who became totally or partially separated from employment on or after February 28, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 1st day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17411 Filed 6-14-76;8:45 am]

Office of the Secretary

[TA-W-746]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-746: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc., Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Andalusia, Alabama plant declined 4.8 percent in 1974 compared to 1973 and 18.3 percent in 1975 compared to 1974. Plant employment declined 25.0 percent in the second quarter of 1975 compared to the same quarter of 1974.

The average number of production workers at the Enterprise plant declined 2.3 percent in 1974 compared to 1973 and declined 14.1 percent in 1975 compared to 1974. Plant employment declined 17.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of men's dress shirts declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Company sales of men's dress shirts declined 38.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

Production at the Andalusia plant declined 13.2 percent in 1975 compared to 1974 and declined 18.4 percent in the second quarter of 1975 compared to the same quarter in 1974.

Production at the Enterprise plant declined 36.3 percent in 1975 compared to 1974 and declined 35.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

INCREASED IMPORTS

U.S. imports of men's and boys' dress shirts, woven and knit, increased from 191,113 thousand units in 1971 to 199,346 thousand units in 1972. U.S. imports then decreased in 1973 and again in 1974 when imports were 137,467 thousand units. Imports increased in 1975 to 151,541 thou-

sand units, an increase of 10.2 percent compared to 1974.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources because of of price competition.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced by Alatex, Incorporated contributed importantly to the total or partial separation of the workers of the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc., Andalusia, Alabama. In accordance with the provisions of the Act, I make the following certification:

All employees at the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17267 Filed 6-14-76;8:45 am]

[TA-W-796]

ALLEGHENY LUDLUM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-796: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 16, 1976 in response to a worker petition received on April 16, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet and strip at the New Castle, Indiana plant of Allegheny Ludlum.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20040). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Emploment of production workers at the New Castle plant increased 23 percent from 1973 to 1974. Average weekly hours declined 10 percent during the same period. Employment declined 43 percent from 1974 to 1975. Average weekly hours during this period declined 11 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of stainless strip by Allegheny Ludlum declined 2 percent in quantity from 1973 to 1974. Sales declined 39 percent from 1974 to 1975. New Castle accounts for about 1 percent of Allegheny Ludlum's sales of strip.

Annual sales of stainless sheet increased 42 percent from 1973 to 1974. Sales declined 50 percent from 1974 to 1975. New Castle accounts for about 40 percent of Allegheny Ludlum's sales of sheet.

INCREASED IMPORTS

Imports of stainless steep strip declined 9.1 percent from 1970 to 1971. Imports increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 percent and 6.8 percent in 1975.

Imports of stainless steel sheet increased 14.4 percent from 1970 to 1971. Imports declined 48.6 percent from 1971 to 1972 and 11.9 percent from 1972 to 1973. Imports increased 39.0 percent from 1973 to 1974. Imports declined 5.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 10.5 percent and 10.0 percent, respectively, in 1974 to 22.4 percent and 19.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Allegheny Ludlum have indicated that they have reduced purchases from Allegheny Ludlum and increased purchases of imported stainless steel products. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel sheet and strip produced by the New Castle plant of Allegheny Ludlum contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the New Castle, Indiana plant of Allegheny Ludlum Steel Corporation who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17272 Filed 6-14-76;8:45 am]

[TA-W-894]

BABCOCK & WILCOX CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Tubular Products Works, Beaver Falls, Pa. of Babcock & Wilcox Co., New York, New York (TA-W-894). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel tubing and pipes produced by Babcock & Wilcox Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a

substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-17275 Filed 6-14-76;8:45 am]

[TA-W-651]

BRISTOL LABORATORIES

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-651: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing pharmaceuticals at the Bristol Laboratories plant located in Syracuse, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Laboratories, its customers, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Bristol Laboratories declined 24 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production by the Bristol Labs Division of ampicillin, hetacillin, bleomycin, and oxacillin declined 31 percent, 55 percent, 7 percent, and 6 percent, respectively, from 1974 to 1975. Production of most non-penicillin antibiotics declined 100 percent at the Syracuse plant by 1975 as a result of the U.S. Food and Drug Administration ruling that reduced the permissible level of penicillin trace contamination of non-penicillin products to zero. Production by the Bristol Labs Division of all antibiotics not discontinued at the Syracuse plant as a result of the FDA ruling declined 4 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of antibiotics increased in each year from 1970 through 1975. Antibiotic imports increased 2 percent from 1974 to 1975. Bristol's own imports of ampicillin trihydrate (nonsterile), tetracycline base, and tetracycline phosphate complex increased from 1974 to 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they had not switched their purchases to imports. Bristol's imports of antibiotics in 1975 did not contribute to separations at the Syracuse plant. The imports of ampicillin trihydrate were upgraded at the Syracuse plant when a sterile capacity problem developed at Bristol's Italian plant. The imports of tetracycline in 1975 had no impact on employment at the Syracuse plant since tetracycline production was discontinued at the plant prior to 1975 in order to meet the FDA ruling on penicillin trace contamination of non-penicillin products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with antibiotics produced at the Bristol Laboratories plant located in Syracuse, N.Y. did not contribute importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C., this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17265 Filed 6-14-76;8:45 am]

[TA-W-740]

DUBOW SPORTING GOODS DIVISION, GOLF BALL, INC.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-740: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of former workers producing golf clubs and golf balls at the Dubow Sporting Goods Division, Golf Ball, Incorporated, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16235). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Dubow Sporting Goods Division, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria has been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that imports of golf clubs have declined both absolutely and relative to domestic production and consumption in 1975 compared to 1974. Net exports of golf clubs have exceeded net imports by more than a 2 to 1 ratio in each year from 1973 to 1975.

Imports of golf balls have declined both absolutely and relative to domestic

production and consumption in each year from 1973 to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that articles like or directly competitive with those produced by the Dubow Sporting Goods Division, Golf Ball, Incorporated are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of June 1976.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.76-17266 Filed 6-14-76;8:45 am]

[TA-W-876]

INDUSTRIAL MICA CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 27, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Industrial Mico Co., Englewood, N.J. a division of Columbia Technical Corp., Woodside, N.Y. (TA-W-876). Accordingly, the Director, (Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitve with mica insulators proposed by Industrial Mica Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17271 Filed 6-14-76;8:45 am]

[TA-W-893]

NL INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 28, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Chemical Workers Basic Union on behalf of the workers and former workers of St. Louis, Missouri plant of Titanium Pigment Division of NL Industries, New York, New York (TA-W-893). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with titanium dioxide pigment produced by NL Industries, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17276 Filed 6-14-76;8:45 am]

[TA-W-763]

OHIO STEEL TUBE CO., A SUBSIDIARY OF COPPERWELD CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-763: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976, in response to a worker petition received on March 29, 1976, which was filed on behalf of workers and former workers producing seamless and welded carbon and alloy pipe and tubing at Ohio Steel Tube Company, a Subsidiary of Copperweld Corporation, located in Shelby, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ohio Steel Tube Company, its customers, the International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of eligibility of requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion was not met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average annual employment of production workers increased 3.0 percent in 1974 compared to 1973, and decreased 18.0 percent in 1975 from 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of seamless carbon and alloy tubing decreased 2.4 percent in 1974 compared to 1973 and decreased 2.6 percent in 1975 from 1974.

Sales and production of welded carbon and alloy tubing decreased 3.9 percent in 1974 from 1973 and decreased 35.9 percent in 1975 from 1974.

INCREASED IMPORTS

During the period 1971–1975 imports of carbon steel pipe and tubing varied from year to year. Imports were recorded at 1774.0 thousand tons in 1971 and constituted 27.6 percent of domestic shipments. Imports in absolute terms declined in 1972 and 1973. In 1974 imports increased, both relatively and absolutely. Import levels in 1975 were, in absolute terms, lower than in 1974 but the ratio of imports to domestic shipments was 22.8 percent, a slight increase over the 1974 level.

Imports of alloy pipe and tubing increased each year compared to the previous year in the period 1972–1975. In 1971, imports were 34.7 thousand tons and the ratio of imports to domestic shipments was 3.1 percent. Imports were 81.3 thousand tons in 1975 and the ratio of imports to domestic shipments was 5.8 percent.

CONTRIBUTED IMPORTANTLY

Customers indicated that they did not purchase imports.

Three of Ohio Steel Tube Company's customers are auto manufacturers. Auto sales declined sharply in the middle of 1974 and continued doing so through 1975. Reductions in purchases from Ohio Steel Tube Company are attributable to this decline.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with seamless and welded carbon and alloy pipe and tubing produced at Ohio Steel Tube Company, a Subsidiary of Copperweld Corporation, Shelby, Ohio, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 28th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17273 Filed 6-14-76;8:45 am]

[TA-W-889]

STATION STREET CORP.

Investigation Regarding Certification of Eligibility To Apply for Workers Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 26, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Station Street Corporation, Biddeford, Maine (TA-W-889). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats produced by Station Street Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17274 Filed 6-14-76;8:45 am]

[TA-W-677]

SUN CLOTHES, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act fo 1974 the Department of Labor herein presents the results of TA-W-677: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and women's swimwear and men's leisure shirts at the Philadelphia, Pennsylvania plant of Sun Clothes, Inc. Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14234). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sun Clothes, Inc., its customers, the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially seperated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 4.6 percent in 1975 compared to 1974. Salaried worker employment remained constant in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 30.3 percent in 1975 compared to 1974. Production of men's swimwear accounted for 85 percent of total production in 1975.

INCREASED IMPORTS

Imports of men's and boys' swimsuits declined from 117.0 thousand dozens in 1974 to 116.9 thousand dozens in 1975. The ratios of imports to domestic shipments and consumption declined from 8.8 percent and 8.0 percent, respectively in 1974 to 8.3 percent and 7.7 percent, respectively in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of men's swimwear manufactured by Sun Clothes, Inc. have not purchased men's swimwear from foreign sources.

CONCLUSION

After careful review of the facts I conclude that increases of imports like or directly competitive with men's swimwear produced at the Philadelphia, Pennsylvania plant of Sun Clothes, Inc. did not contribute importantly to the total or partial separation of the workers at the above mentioned location.

Signed at Washington, D.C., this 7th day of June 1976.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc. 76-17268 Filed 6-14-76;8:45 am]

[TA-W-878]

TEXTRON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 1, 1976 the Department of Labor received a petition dated April 28, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Meadville, Pa. plant of Talon, a division of Textron, Incorporated, Providence, R.I. (TA-W-878). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with zippers produced by Textron, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17269 Filed 6-14-76;8:45 am]

[TA-W-887]

WASHBURN WIRE CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 30, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the New York City plant of the Washburn Wire Company, Philipsdale, Rhode Island (TA-W-887). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with round and spring wire produced by Washburn Wire Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the data on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17270 Filed 6-14-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 69]

ASSIGNMENT OF HEARINGS

JUNE 10, 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 103926 (Sub 47), W. T. Mayfield Sons Trucking Co. now assigned July 7, 1976 at Washington, D.C. is now cancelled and being transferred to Modified Procedure.

MC 71043 (Sub-No. 9), LaPoete Transit Co., Inc., now being assigned for continued hearing on July 21, 1976 (2 days) in Room 288, Tax Court, 2nd Floor Federal Building and Courthouse, 46 East Ohio Street, Indianapolis, Ind.

MC 136786 (Sub-No. 85), Robco Transportation, Inc., now assigned June 17, 1976, at St. Paul, Minn. is canceled and application dismissed.

MC 114457 (Sub-No. 249), Dart Transit Company, now assigned June 14, 1976, at Chicago, Ill. is canceled and application dismissed.

MC 130189 (Sub 2), Shenandoah Tours, Inc. now assigned July 12, 1976 (1 week) at Lynchburg, Virginia and will be held at the Federal Courtroom, 2nd Floor, U.S. Post Office and Federal Building, Church Street.

MC 138875 (Sub 27), Shoemaker Trucking Company now assigned July 26, 1976 (5 days) at Boise, Idaho and will be held in Room 429, U.S. Courthouse and Federal Building, 500 West Forte Street.

MC 135874 (Sub 51), LTL Perishables, Inc. now assigned July 28, 1976 (3 days) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.

MC-F 12664, United Transports, Inc.—Control—Simanek, Inc. now assigned July 26, 1976 (2 days) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaze, 110 North 14th Street.

MC 136786 (Sub 91), Robco Transportation, Inc. now assigned July 23, 1976 (1 day) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.

AB 6 (Sub 26), Burlington Northern, Inc., Abandonment Between Mailland and Skidmore, Within Holt and Nodaway Counties, Missouri and will be held at the Masonic Hall.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17406 Filed 6-14-76;8:45 am]

[Ruling No. 127]

BUREAU OF OPERATIONS

Sixty-Day Exemption; Administrative Ruling

JUNE 8, 1976.

The following is an administrative ruling of the Bureau of Operations made in

response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act. Rulings of this kind are tentative and provisional and are made in the absence of authoritative decisions upon the subject by the Commission.

QUESTION

Would an application accompanied by a State certificate and filed on behalf of a class or group of carriers invoke the 60 day automatic exemption provision of section 204(a)(4a) of the Interstate Commerce Act?

ANSWER

No.

The language of the 60 day exemption provision is in the singular, i.e. "Where an application is made in good faith for the exemption of a motor carrier * * *" (emphasis supplied). No terms are used to indicate that the 60 day provision was intended to be available to other than an individual carrier. This is particularly significant in view of the earlier language of the section, which empowers the Commission to determine whether a single State carrier or class of motor carriers is engaged in transportation in interstate or foreign commerce is such an insignificant amount that it or they are entitled to a certificate of exemption.

It also appears that the State certificate which must accompany an application for the automatic 60 day exemption must be an individual certificate for each carrier, since it must contain an opinion of the State board that the applicant is entitled to a certificate of exemption. Such an opinion would seem to require a finding based on facts pertaining to each individual applicant.

The Commission's decision in Winter, Exemption Application, 32 M.C.C. 679, 684 appears to support this view, in that while two applications for the exemption were embraced in the same Commission proceeding, each constituted a separate and distinct application supported by separate certificates from the same State, notwithstanding that the operations for which the exemption was sought were to be performed for the same shipper and were similar in all respects.

There the Commission held that the applicants, as well as other individual applicants who sought the exemption for the same type of operation, would collectively form a "class of motor carriers," and their operations would be in fact of such nature, character, and quantity, if exempt from regulation, so as to affect or impair regulation of regulated motor carriers operating in interstate or foreign commerce.

The Commission also stated that it did not view section 204(a)(4a) as contemplating such a result, or that collectively such an aggregate of exemptions would be in consonance with the national transportation policy enunciated in the act.

LEWIS R. TEEPLE,
Acting Director.

[FR Doc.76-17404 Filed 6-14-76;8:45 am]

[Notice No. 272]

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, 321(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 wiith the Commission on or before July 15, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, 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-76512, filed May 30, 1976. Transferee: RALPH M. RENSING, doing business as NORRENBERNS TRUCK SERVICE, Box 52, Trenton, Illinois 62293. Transferor: HENRY H. NORRENBERNS, doing business as NORRENBERNS TRUCK SERVICE, 210 North Commercial, Albers, Illinois 62215. Applicant's representative: David E. Guymon, Esq., 26 East Washington Street, Belleville, Illinois 62220. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 77018, issued May 28, 1976, as follows: *Coal, agricultural commodities, and livestock,* over specified regular routes, From Albers, Ill., to St. Louis, Mo., serving intermediate and off-route points within ten miles of Albers, and off-route points in St. Louis County, Mo.; and *General Commodities,* with the usual exceptions,

From St. Louis, Mo., to Albers, Ill. serving specified intermediate and off-route points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76543, filed June 7, 1976. Transferee: CITY DELIVERY SERVICE, INC. P.O. Box 722, Boise, Idaho 83701. Transferor: VOGT TRANSFER & STORAGE CO., P.O. Box 565, Ontario, Oregon 97914. Applicants' representative: Kenneth G. Bergguist, Attorney at Law, P.O. Box 1775, Boise, Idaho 83701. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 110625, issued May 5, 1954, as follows: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Nyssa, Oreg., and points in Oregon within 50 miles of Nyssa, on the one hand, and, on the other, points in Owyhee, Canyon, and Payette Counties, Idaho; and between points in Oregon and Idaho within three miles of Nyssa. Transferee is presently authorized to operate as a common carrier under Certificate of Registration No. MC 121044 (Sub-No. 1) and subs thereafter. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76600, filed May 25, 1976. Transferee: NORTHEAST HEAVY HAULING, INC., 115 Great Plain Road, Danbury, Connecticut 06810. Transferor: WESTFAIR TRANSPORT CORP., 31 Victory Street, Stamford, Connecticut 06902. Applicant's representative: David J. Kiernan, Practitioner, 164 Amherst Street, Wethersfield, Connecticut 06109. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC-112718, issued September 22, 1965, as follows: *New pianos, heavy machinery and equipment, and steel,* Between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17405 Filed 6-14-76;8:45 am]

[Notice No. 273]

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–76378. By order of June 7, 1976, the Motor Carrier Board approved the transfer to General Motor Lines, Inc., Roanoke, Va., of Certificates Nos. MC–58549 Sub 5, MC–58549 Sub 11, MC–58549 Sub 12, MC–58549 Sub 14, MC–58549 Sub 17, and MC–58549 Sub 20, issued March 18, 1954, August 7, 1972, February 1, 1972, June 30, 1972, September 25, 1974, and November 11, 1974, respectively, to Cline Mundy, doing business as General Motor Lines, Roanoke, Va., authorizing the transportation of general commodities between specified points in Virginia and between Bristol, Va., and Elizabethton, Tenn. Francis W. McInery, Esquire, 1000 Sixteenth Street, N.W., Washington, D.C. 20036.

No. MC–FC–76411. By order of June 8, 1976, the Motor Carrier Board approved the transfer to Mercer Bros., Trucking Co., Wilson, North Carolina, of Certificate No. MC–124050, issued July 6, 1970, to James Nathan Flowers, Doing Business as Flowers Trucking Company, Selma, North Carolina, authorizing the transportation of fertilizer in bags or containers from Norfolk, Va., to points in that part of North Carolina East of U.S. Highway 15 (except Henderson). Jerry D. Mercer, P.O. Box 952, Wilson, North Carolina, 27893, applicants' representative.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17402 Filed 6–14–76;8:45 am]

federal register

TUESDAY, JUNE 15, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DELEGATION OF AUTHORITY AND ORGANIZATIONAL STATEMENT

Reorganization and Republication

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 76N-0196]

RECODIFICATION, EDITORIAL, AND CROSS-REFERENCE AMENDMENTS

The Food and Drug Administration is recodifying all of Chapter I of Title 21 of the Code of Federal Regulations to provide orderly development of regulations, furnish ample room for expansion in the years ahead, and provide the public and affected industries with regulations that are easy to find, read, and understand.

The thirteenth in a series of recodification documents, which reorganizes and recodifies the delegation of authority and organizational statement portions of the general regulations, is published elsewhere in this issue of the FEDERAL REGISTER. These regulations now appear in Subparts H and M of Part 2 of Subchapter A—General.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be amended at this time.

Due to the complexity and volume of cross-references involved in the recodification of these regulations, supplemental documents will be issued at a later date, if necessary.

Therefore, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES

§ 2.66 [Amended]

1. Section 2.66(a) is amended by changing the reference "(21 CFR 2.120)" to read "(21 CFR 5.1)".

§ 2.68 [Amended]

2. Section 2.68(a) is amended by changing the reference "(21 CFR 2.120)" to read "(21 CFR 5.1)".

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

§ 6.4 [Amended]

3. Section 6.4(a)(2) is amended by changing the reference "§ 2.121" to read "§§ 5.20 through 5.52".

PART 7—PROTECTION OF PRIVACY

§ 7.43 [Amended]

4. Section 7.43(a)(2) is amended by changing the reference "§ 2.175" to "§ 5.115".

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: June 8, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-17129 Filed 6-14-76;8:45 am]

[Recodification Docket No. 13; Docket No. 76N-0196]

REORGANIZATION AND REPUBLICATION

The Food and Drug Administration is recodifying the delegation of authority and organizational statement portions of the general regulations, effective June 15, 1976.

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the thirteenth in a series of recodification documents that will eventually include all regulations administered by FDA.

The following table shows the relationship of the CFR section numbers under the former Subparts H and M of Part 2 to their redesignation reflected in new Part 5:

Old section:	*New Section*
2.120	5.1
2.121[1]	5.20
2.121(b)	5.21
2.121(c)	5.22
2.121(d)	5.23
2.121(e)	5.24
2.121(f)	5.25
2.121(h)	5.26
2.121(i)	5.27
2.121(j)	5.28
2.121(k)	5.30
2.121(l)	5.31
2.121(m)	5.29
2.121(n)	5.32
2.121(o)	5.33
2.121(p)	5.34
2.121(q)	5.35
2.121(r)	5.36
2.121(s)	5.37
2.121(t)	5.38
2.121(u)	5.39
2.121(v)	5.40
2.121(w)	5.41
2.121(x)	5.42
2.121(z)	5.43
2.121(aa)	5.44
2.121(bb)	5.45
2.121(cc)	5.46
2.121(dd)	5.47
2.121(ee)	5.48
2.121(ff)	5.49
2.121(gg)	5.50
2.121(hh)	5.51
2.121(ii)	5.52
2.171	5.100
2.172	5.105
2.173	5.110
2.175	5.115

[1] Introductory text and paragraph (a).

The changes being made are nonsubstantive in nature and for this reason notice and public procedure and delayed effective date are not prerequisite to this promulgation. For the convenience of the user, the entire text of Part 5 is set forth below.

Dated: June 8, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

Therefore, 21 CFR is amended by redesignating Subparts H and M of Part 2 as Part 5, republished to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

Sec.

5.1 Delegations from the Secretary and Assistant Secretary.

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

5.21 Delegations regarding hearings and review boards.

5.22 Delegations regarding imports.

5.23 Delegations regarding certification of true copies and use of Department seal.

5.24 Delegations regarding disclosure of official records.

5.25 Delegations regarding certification of color additives.

5.26 Delegations regarding certification of insulin.

5.27 Delegations regarding certification of antibiotic drugs.

5.28 Delegations regarding approval of new animal drug applications and supplements thereto for drugs for animal use.

5.29 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new animal drug applications and supplements thereto for drugs for animal use.

5.30 Delegations regarding approval of new-drug applications and supplements thereto for drugs for human use.

5.31 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new-drug applications and supplements thereto for drugs for human use.

5.32 Delegations regarding designation of official master and working standards for antibiotic drugs.

5.33 Delegations regarding emergency functions.

5.34 Delegations regarding enforcement activities.

5.35 Delegations regarding certification following inspections.

5.36 Delegations regarding grants and fellowships.

5.37 Delegations regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

5.38 Delegations regarding issuance of notices of filing of petitions and notices of proposed rule making pertaining to food standards, food additives, and color additives.

5.39 Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.

5.40 Delegations regarding detention of meat, poultry, eggs, and related products.

5.41 Delegations regarding approval of schools providing food-processing instruction.

5.42 Delegations regarding issuance of reports of minor violations.

5.43 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

Sec.
5.44 Delegations relating to exemptions from performance standards for electronic products.
5.45 Delegations relating to testing programs and methods of certification and identification for electronic products.
5.46 Delegations relating to notification of defects in, and repair or replacements of, electronic products.
5.47 Delegations relating to manufacturer's resident import agents.
5.48 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.
5.49 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.
5.50 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.
5.51 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.
5.52 Delegations regarding issuance of notices implementing the provisions of the Drug Amendments of 1962.

Subpart C—Organization

5.100 Headquarters.
5.105 Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare.
5.110 FDA Public Records and Documents Center.
5.115 Field structure.

AUTHORITY: Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

§ 5.1 Delegations from the Secretary and Assistant Secretary

(a) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 FR 606 as amended) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows.

(1) Functions vested in the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61–63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and The Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

(2) Functions vested in the Secretary under section 301 (Research and Investigation); section 307 (International Cooperation); section 310 (Health Education and Information); section 311 (Federal-State Cooperation); and section 314(f) (Interchange of Personnel with States) of the Public Health Service Act (42 U.S.C. 241, 242l, 242o, 243, 246(f)) which relate to the functions of the Food and Drug Administration.

(3) Functions vested in the Secretary under sections 354 through 360F of the Public Health Service Act (42 U.S.C. 263b through 263n) which relate to electronic product radiation control.

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to the law enforcement functions of the Food and Drug Administration concerning the following products and activities: biologicals (including blood and blood products); interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25); food (including milk and food service sanitation and shellfish sanitation); and drugs, devices, cosmetics, and electronic products, and other items or products regulated by the Food and Drug Administration.

(5) Functions vested in the Secretary under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262 and 263) which relate to biological products.

(6) Functions vested in the Secretary pertaining to section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) which relate to the determination and reporting requirements with respect to the medicinal and scientific requirements of the United States for controlled substances.

(7) Functions vested in the Secretary pertaining to section 303 of the Public Health Service Act (42 U.S.C. 242a) which relate to the authorization of persons engaged in research on the use and effect of drugs to protect the identity of their research subjects with respect to drugs scheduled under Public Law 91–513 for which a notice of claimed exemption for an investigational new drug is filed with the Food and Drug Administration and with respect to all drugs not scheduled under Public Law 91–513.

(8) Functions vested in the Secretary pertaining to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241) which relate to the determination of the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts.

(9) Functions vested in the Secretary pertaining to section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) which relate to the determination of the qualifications and competency of practitioners wishing to conduct research with controlled substances listed in Schedule I of the Act, and the merits of the research protocol.

(10) Functions vested in the Secretary pertaining to provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) which relate to administration of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(11) Functions vested in the Secretary under section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(12) Functions vested in the Secretary under section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(13) Functions vested in the Secretary under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(14) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(15) Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Chapter 2–000 of the Department Organization Manual shall not apply.

(16) Functions vested in the Secretary under Executive Order 11490, section 1103(5), and those portions of sections 1103(1), 1103(3), 1103(4), 3001(2), 3001(3), 3002(1), 3002(2), 3002(3), 3004, and 3009 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organization plans and structure of the Department for the Emergency Health Service.

(17) Function vested in the Secretary of authorizing and approving miscellaneous and emergency expenses of enforcement activities.

(18) Function vested in the Secretary under the Federal Advisory Committee Act, Public Law 92–463, to make determinations that advisory committee meetings are concerned with matters listed in 5 U.S.C. 552(b) and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may not be redelegated. This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

(i) Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (*a*) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (*b*) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (*c*) investigatory files compiled for law enforcement purposes;

(ii) Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug, and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

(iii) Meetings held for the sole purpose of considering and formulating advice which the comittee will give or any final report it will render, *Provided*:

(*a*) The meetings will involve solely the internal exepression of views and judgments of the members and it is

essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under 5 U.S.C. 552(b);

(b) The meeting is closed for the shortest time necessary, summarizing the work of the committee during the closed session, and a report, prepared by the executive secretary will be made available promptly to the public.

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

(19) Functions vested in the Secretary under the second sentence of section 309 (Health Conferences) of the Public Health Service Act (42 U.S.C. 242n) to call for a conference and invite as many health authorities and officials of State or local public or private agencies or organizations as deemed necessary or proper on subjects related to the functions of the Food and Drug Administration.

(20) Functions vested in the Secretary under section 501 (Gifts) of the Public Health Service Act (42 U.S.C. 219) to accept offers of unconditional gifts, of other than real property, provided such gifts are of $1,000 value or less and the total costs associated with acceptance of property will not exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

(21) Functions vested in the Secretary under section 362 of the Public Health Service Act (42 U.S.C. 265) which relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health when such functions relate to the law enforcement functions of the Food and Drug Administration.

(22) Functions vested in the Secretary under section 1003(b)(3), Title X, of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3246b(b)(3)) to waive any matching requirements for programs or projects of State and local governments funded under Title X of that act where it is determined that State or local governments concerned cannot reasonably obtain any non-Federal contributions.

(b) The Assistant General Counsel in charge of the Food and Drug Division has been authorized to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, and section 9(b) of the Federal Caustic Poison Act.

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management: (1) To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

(2) To establish volunteer service programs and accept volunteer services for use in the operation of a health care facility or the provision of health care under section 223 of the Public Health Service Act (42 U.S.C. 217b).

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

(a) Final authority of the Commissioner of Food and Drugs is redelegated as set forth in this subpart. Further redelegation of the authority vested herein is not authorized. Authority redelegated herein to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

(b) The Deputy Commissioner of Food and Drugs and the Associate Commissioner for Compliance are authorized to perform all the functions of the Commissioner of Food and Drugs.

§ 5.21 Delegations regarding hearings and review boards.

(a) The Directors and Deputy Directors of Bureaus, Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials to hold informal hearings which relate to their assigned functions under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, section 6 of the Fair Packaging and Labeling Act, section 9(b) of the Federal Caustic Poison Act, and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in enforcement of any law as cited in this section.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to appoint review boards as provided by § 601.41 of this chapter.

(c) The Director and Deputy Director of the Bureau of Radiological Health are authorized to hold hearings under section 360(a) of the Public Health Service Act, and to designate officials to hold informal hearings under section 360(a) of the act.

§ 5.22 Delegations regarding imports.

(a) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(b) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with the act.

(c) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358(h) of the act, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

(d) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the Public Health Service Act (42 U.S.C. 265) that relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

§ 5.23 Delegations regarding certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) Associate and Deputy Associate Commissioners.

(2) Assistant and Deputy Assistant Commissioners.

(3) Director of the Executive Secretariat.

(4) Director and Deputy Director of the Office of Legislative Services.

(5) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates, and Director, Public Records and Documents Center of the Office of Compliance.

(6) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(7) Director of the Office of Planning and Evaluation, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of the Bureau of Drugs.

(8) Associate Director for Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Food Service of the Bureau of Foods.

(9) Associate Director and the Director of the Division of Compliance of the Bureau of Biologics.

(10) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(11) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(12) Assistant Director for Program Operations and the Director of the Division of Compliance of the Bureau of Medical Devices and Diagnostic Products.

(b) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Division of Personnel Management of the Office of Administration and the Chief of the Career Development and Training Branch of that Division and Office.

(c) The Federal Register Writer and his alternates of the Office of Compliance are authorized to certify true copies of FEDERAL REGISTER documents.

§ 5.24 Delegations regarding disclosure of official records.

(a) The following officials are authorized to make determinations to disclose official records and information in accordance with Part 4 of this chapter.

(1) The Director and Deputy Director of the Bureau of Drugs, and the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods, and the Associate Director and Deputy Associate Director for Compliance and the Director of the Division of Regulatory Guidance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director, Bureau of Radiological Health, and the Director of the Division of Electronic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(6) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(b) The Chief of the Drug Listing Branch of the Division of Drug Labeling Compliance of the Bureau of Drugs is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(c) The Chief of the Records Section of the Administrative Services Branch, Division of Management Services, Office of Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

§ 5.25 Delegations regarding certification of color additives.

The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Technology, and the Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, under section 706 of the Federal Food, Drug, and Cosmetic Act.

§ 5.26 Delegations regarding certification of insulin.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of drugs containing insulin, pursuant to section 506(a) of the Federal Food, Drug, and Cosmetic Act.

§ 5.27 Delegations regarding certification of antibiotic drugs.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to sections 507(a) and 512(n) of the Federal Food, Drug, and Cosmetic Act.

§ 5.28 Delegations regarding approval of new animal drug applications and supplements thereto for drugs for animal use.

The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and new animal drug application supplements, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Veterinary Medical Review of the Bureau of Veterinary Medicine is authorized to perform the functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

§ 5.29 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new animal drug applications and supplements thereto for drugs for animal use.

The Director of the Bureau of Veterinary Medicine is authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new animal drug applications and new animal drug application supplements for drugs for animal use submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

§ 5.30 Delegations regarding approval of new-drug applications and supplements thereto for drugs for human use.

(a) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to approval of new-drug applications and supplements thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(1) The Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; Oncology and Radiopharmaceutical Drug Products; and Drug Advertising of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to approval of supplemental applications to approved new-drug applications which are for drugs for human use and have been submitted pursuant to §§ 314.1(c) and 314.8 of this chapter, except those pertaining to ingredients packaged together with

containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(2) The Associate and Deputy Associate Director for Drug Monographs and the Director of the Division of Generic Drug Monographs of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs regarding the approval of abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to §§ 314.1 (f) and 314.8 of this chapter, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications which are for drugs for human use and which pertain to ingredients packaged together with containers intended for the collection, processing, or storage of blood or blood components and which have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

§ 5.31 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new-drug applications and supplements thereto for drugs for human use.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new-drug applications and abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and §§ 314.1 and 314.8 of this chapter, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section, and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new-drug applications and abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and which pertain to ingredients packaged together with containers intended for the collection, processing, or storage of blood or blood components and which have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and §§ 314.1 and 314.8 of this chapter, and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

§ 5.32 Delegations regarding designation of official master and working standards for antibiotic drugs.

The Director, Deputy Director, and Associate Director for Pharmaceutical Research and Testing of the Bureau of Drugs, and the Director of the National Center for Antibiotics Analysis of that Bureau are authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 430.5 of this chapter.

§ 5.33 Delegations regarding emergency functions.

Each Regional Food and Drug Director is authorized, during any period when normal channels of direction are disrupted between the Food and Drug Administration headquarters and his region, to fully represent the Food and Drug Administration within his region in consonance with the Department of Health, Education, and Welfare regional emergency plans and to exercise the authority of the Commissioner for supervision of and direction to all Food and Drug Administration activities and use of resources within his region for continuity and for Federal Emergency Health Service operations. These same officials are authorized to provide in Regional Emergency Plans for the delegation of Food and Drug Administration regional authorities to heads of field activities when such activities are cut off from national and regional headquarters.

§ 5.34 Delegations regarding enforcement activities.

(a) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of Form FD–200a entitled "Identification Record" and Form FD–200b entitled "Specification of General Authority" are designated by the Commissioner of Food and Drugs:

(1) To conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records; and to supervise compliance operations, for the enforcement of the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison Act, the Import Milk Act, the Filled Milk Act, the Tea Importation Act, and section 361 of the Public Health Service Act.

(2) To administer oaths and affirmations under section 1 of the Act of January 31, 1925 (Ch. 124, 43 Stat. 803); sections 12 to 15 of Reorganization Plan No. IV, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

(b) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of Form FD–200a entitled "Identification Record" and Form FD–200c entitled "Specification of General and Special Authority" are designated by the Commissioner of Food and Drugs:

(1) To perform the duties enumerated in paragraph (a) (1) and (2) of this section.

(2) As officers and employees having the authority to request and the authority to have access to and copy and verify records and reports required by sections 505 (i) and (j), 507 (d) and (g), and 512 (l) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (i) and (j), 357 (d) and (g), and 360b (l) and (m)).

(c) The Food and Drug Administration official credentials referred to in paragraphs (a) and (b) of this section are described as follows:

(1) Form FD–200a entitled "Identification Record" bears a color photograph, description, and signature of the bearer, an identification number, an expiration date, the Department of Health, Education, and Welfare seal with blue imprint centered to the left of the photograph and the Food and Drug Administration symbol centered to the right of the photograph.

(2) Form FD–200b entitled "Specification of General Authority" bears the holder's name, his general authority, an identification number, an expiration date, and the Commissioner's signature.

(3) Form FD–200c entitled "Specification of General and Special Authority" bears the holder's name, his general and special authority, an identification number, an expiration date, and the Commissioner's signature and is superimposed in the lower right corner with a red, white, and blue stripe imprint.

(4) Both Form FD–200b and Form FD–200c bear the name of the Department of Health, Education, and Welfare, Public Health Service, and Food and Drug Administration and are superimposed with the Department seal with blue imprint.

(d) The Director and Deputy Director of the Bureau of Radiological Health are authorized to refuse admission of noncomplying electronic product imports and to notify the Secretary of the Treasury of such refusal under section 360(a) of the Public Health Service Act and are authorized to refuse or to grant permission and time extensions to bring such products into compliance, and are authorized to supervise or designate an official to supervise such operations under section 360(b) of the act.

(e) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 360A(a) of the Public Health Service Act relating to electronic product safety and inspection of electronic product manufacturers' premises, and to perform all of the functions of the Commissioner of Food and Drugs under section 360A(b) of the act relating to the establishment, maintenance, and inspection of electronic product manufacturers' records.

(f) The Director and Deputy Director of the Bureau of Radiological Health are authorized to designate officials to make accident and investigation reports under section 360A(d) of the Public Health Service Act.

(g) The Director, Deputy Director, and Associate Director of the Bureau of Biologics and the Director of the Division of Compliance of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262 (c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

§ 5.35 Delegations regarding certification following inspections.

Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to issue certificates of sanitation under § 1240.20 of this chapter.

§ 5.36 Delegations regarding grants and fellowships.

(a) The Associate and Deputy Associate Commissioner for Science are authorized to approve or disapprove all applications for grants and fellowships and to select officials to serve as program managers to exercise scientific oversight and to monitor grantee progress.

(b) The Associate and Deputy Associate Commissioner for Administration and the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of Administration are authorized to execute grant awards upon approval by the Associate or Deputy Associate Commissioner for Science under sections 301, 307, 311, and 356 of the Public Health Service Act, and to notify grantees of officials who will serve as the FDA program manager for their grant.

(c) The Associate and Assistant Commissioners, the Directors of Bureaus, the Director, National Center for Toxicological Research, and the Executive Director of Regional Operations are authorized to award service fellowships in the FDA Staff Fellowship Program under section 301 of the Public Health Service Act.

§ 5.37 Delegations regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

The Director and Deputy Director of the Bureau of Drugs and the Assistant Director for Regulatory Affairs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

§ 5.38 Delegations regarding issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

The Director of the Bureau of Foods is authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

§ 5.39 Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter, except those which pertain to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262). The Associate Director and Deputy Associate Director for New Drug Evaluation and the Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; and Oncology and Radiopharmaceutical Drug Products of the Bureau of Drugs are authorized to notify sponsors and invite correction prior to termination action on such exemptions.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

(c) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 511.1 of this chapter.

§ 5.40 Delegations regarding detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(a) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(b) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(c) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.)

§ 5.41 Delegations regarding approval of schools providing food-processing instruction.

The Director and Deputy Director of the Bureau of Foods are authorized to perform all of the functions of the Commissioner of Food and Drugs under § 128b.10 of this chapter regarding the approval of schools giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections.

§ 5.42 Delegations regarding issuance of reports of minor violations.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 306 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(1) The Director and Deputy Director of the Bureau of Drugs and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(b) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings.

§ 5.43 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to grant and withdraw variances from the provisions of performance standards for electronic products established in Subchapter J of this chapter.

§ 5.44 Delegations relating to exemptions from performance standards for electronic products.

The Director of the Bureau of Radiological Health is authorized to exempt from performance standards any electronic product intended solely or predominantly for departments or agencies of the United States under section 358 (a)(5) of the Public Health Service Act.

§ 5.45 Delegations relating to testing programs and methods of certification and identification for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act, and to approve or disapprove alternate methods of certification and identification and to disapprove testing programs upon which certification is based under section 358(h) of the act.

§ 5.46 Delegations relating to notification of defects in, and repair or replacement of, electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in, and repair or replacement of, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter. The Director of the Division of Compliance of the Bureau of Radiological Health is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act.

§ 5.47 Delegations relating to manufacturer's resident import agents.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to reject manufacturers' designations of resident import agents pursuant to § 1005.25(b) of this chapter.

§ 5.48 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to require manufacturers to provide performance and technical data to the ultimate purchaser of electronic products under section 360A(c) of the Public Health Service Act.

§ 5.49 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

§ 5.50 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to accept assistance from State and local authorities engaged in activities related to health or safety or consumer protection on a reimbursable basis or otherwise, under section 360E of the Public Health Service Act.

§ 5.51 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.

The Director and Deputy Director of the Bureau of Biologics and the Associate Director of that Bureau are authorized to issue licenses under section 351 of the Public Health Service Act (42 U.S.C. 262) for propagation or manufacture and preparation of biological products as specified in the act, and to revoke such licenses at the manufacturer's request.

§ 5.52 Delegations regarding issuance of notices implementing the provisions of the Drug Amendments of 1962.

The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices and amendments thereto implementing section 107(c)(3) of the Drug Amendments of 1962 (Pub. L. 87-781) by announcing new or revised efficacy findings on human drugs that are or were subject to the provisions of sections 505 and 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 and 357).

Subpart C—Organization

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Administrative Law Judge.
Associate Commissioner for Compliance.
Hearing Clerk.
Associate Commissioner for Medical Affairs.
Associate Commissioner for Science.
Associate Commissioner for Administration.
Assistant Commissioner for Public Affairs.
Assistant Commissioner for Planning and Evaluation.
Assistant Commissioner for Professional and Consumer Programs.

BUREAU OF BIOLOGICS [2]

Office of the Director.
Division of Compliance.
Division of Virology.
Division of Blood and Blood Products.
Division of Control Activities.
Division of Pathology.
Division of Bacterial Products.

BUREAU OF DRUGS [1]

Office of the Director.
Office of Planning and Evaluation.
Associate Director for Drug Monographs.
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TUESDAY, JUNE 15, 1976



PART III:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

DIVING OPERATIONS

Emergency Temporary Standards

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Diving Operations

Pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations, is amended by adding a new occupational safety and health standard for diving operations as Subpart T, beginning at § 1910.401. The standard, set forth below is issued as an emergency temporary standard (ETS) and, in accordance with section 6(c) (2) and (3) of the Act, will be superseded by a permanent standard within six months. The standard takes effect on July 15, 1976, and applies to all employments covered by the Act.

Pursuant to section 6(c)(3), the Occupational Safety and Health Administration (OSHA) will shortly commence a rulemaking proceeding under section 6(b) of the Act. The ETS will serve as a proposed final rule, along with other subsidiary proposals which will be published pursuant to 29 CFR 1911.12. It is OSHA's intention to publish an additional proposal, encompassing those areas of occupational safety and health considered appropriate for the agency's permanent regulation of diving operations.

The development of a permanent standard will be conducted pursuant to section 6(b) of the Act, under which the Secretary's determination of the substantive provisions of the final standard will be based on the entire record developed, including public comments and, if requested, informal rulemaking hearings.

The United States Coast Guard which has jurisdiction over certain matters of maritime safety and health (see 40 FR 33681, August 11, 1975) will participate with OSHA in developing permanent occupational safety and health standards for diving operations. In order to maximize the resources and expertise available to the respective agencies, a joint rulemaking proceeding is contemplated. The Coast Guard has indicated its intention to promulgate under its statutory authority occupational safety and health standards applicable to diving operations from inspected vessels, in deepwater ports, and from artificial islands and structures on the Outer Continental Shelf.

Appended to this standard is a Memorandum of Understanding between OSHA and the Coast Guard setting forth certain procedures for coordination and joint activities during the effective period of the ETS and in developing permanent standards (Appendix A).

Of course, if appropriate, employers may seek temporary or permanent variances under the Act and implementing regulations during the period in which this ETS is in effect. Thus under section 6(b)(6)(A) of the Act and 29 CFR 1905.10, any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof if he can establish that he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alternation of facilities cannot be completed by the effective date, provided that he is taking all available steps to safeguard his employees against the hazards covered by the standard and he has an effective program for coming into compliance with the standard as quickly as practicable. Similarly, under section 6(d) of the Act and 29 CFR 1905.11, any affected employer may apply to the Secretary for a rule or order for a variance from a standard if he can demonstrate by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by the employer will provide employment and places of employment to his employees which are as safe and healthful as these which would prevail if he complied with the standard.

Background

On August 8, 1975, the United Brotherhood of Carpenters and Joiners of America, AFL–CIO, filed a petition, requesting that the Occupational Safety and Health Administration issue an emergency temporary standard for commercial diving operations within the United States and its coastal waters, including those located on the Outer Continental Shelf. The petition alleged that American divers, some of whom are memers of petitioner's union, are exposed to grave danger and that an ETS is necessary to protect commercial divers on offshore oil exploration projects and in other operations from toxic gas, chemical, and pressure exposures which in the aggregate create a hostile and dangerous environment adversely affecting diver safety and health (Exh. 1).

The petition urged the Secretary to issue a comprehensive diving standard substantively based on the following:

(1) The American National Standards Institute (ANSI) Z–135 Standard for Diving (modified Draft #13);

(2) The U.S. Navy Standard Air Decompression Table (Repetitive Group "O") for dives not in excess of 190 feet;

(3) The U.S. Navy Surface Decompression Tables, excluding all "exceptional exposure dives;"

(4) A procedure for 21 days' advance validation by the Secretary of Labor of diving tables outside of U.S. Navy optimum dive tables;

(5) The "Compressed Air for Human Respiration" standard of the Compressed Gas Association (Pamphlet G–7); and

(6) The "Commodity Specification for Air" standard of the Compressed Gas Association (Pamphlet G–7.1).

After review of the petition and supporting evidence by OSHA staff, and consultation with the petitioner and other parties having potentially adverse interests, the Secretary concluded that the public interest would be served by holding an OSHA fact-finding hearing. The hearing was to accomplish two objectives—to ascertain the nature and extent of the occupational safety and health hazards associated with diving operations, and to provide a basis for determining the appropriateness of an ETS for diving. Public announcement of the hearings was made in the FEDERAL REGISTER (40 FR 49123, October 22, 1975).

The hearings, presided over by a Department of Labor Administrative Law Judge, were held during a four-day period, November 11–14, 1975, in Washington, D.C. Evidence was presented by twenty-five witnesses producing some 874 pages of recorded transcript. The witnesses included: several medical experts experienced in hyperbaric medicine from the United States, and one from the United Kingdom; diving contractors representing both large and small firms located throughout the country (East Coast, Great Lakes, Gulf States, and the West Coast); academic and independent research physiologists experienced in the formulation of diving tables and work practice protocols; commercial divers and other diving personnel, some of whom had sustained employment related injuries; diving program administrators; maritime attorneys familiar with the legal aspects of diving-related personal injuries; representatives of the petitioner (United Brotherhood of Carpenters and Joiners, AFL–CIO) and the principal industry trade association (Association of Diving Contractors); and representatives of government agencies with personnel engaged in diving. Government submissions were received from the U.S. Navy, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce, the Bureau of Land Management of the Department of Interior, and the National Park Service also of the Interior Department.

In addition, a large number of parties elected to supply written comments in lieu of oral testimony. Documents and exhibits were also supplied in great numbers from witnesses and other interested persons. All participants were given until December 8, 1975, to submit post-hearing comments.

Shortly after the conclusion of OSHA's public fact-finding inquiry, the Department of Labor assembled a Federal agency task force to outline the contents of possible government diving regulations. In addition to OSHA, members of the group represented the National Institute for Occupational Safety and Health (NIOSH), the U.S. Coast Guard, the Navy, and NOAA. All participants had been either experienced in, or associated with, diving for a number of years. The task force also retained and consulted with outside diving experts. These experts represented a cross-section of skills, experience, and training, including expertise in hyperbaric medicine, physiology, the development

of diving tables and other diving protocols and in a wide variety of operational diving modes and techniques.

Substantial technical input was provided by the diving research group of NIOSH and its contractor, the Undersea Medical Society, with the formulation of a "National Plan for Safety and Health of Divers in the Quest for Subsea Energy" (Contract No. 210–75–0073, January 1976, hereinafter "NIOSH I"). In addition, OSHA has had the benefit of the preliminary work product of a second NIOSH diving project, "Safe Work Practices and Medical Procedures" (April-May 1976, hereinafter "NIOSH II").

Supplementing the testimony obtained from the fact-finding inquiry and the technical assistance received from various government agencies and outside consultants, OSHA has had the opportunity to evaluate a considerable amount of documentary material relating to diving safety and health (see attached list of references). Particular attention has been given to the following major documents: the diving manuals of the U.S. Navy, NOAA, and the Association of Diving Contractors (ADC); draft proposals of the ANSI Z–135 Standards Committee for Commercial Diving Safety; diving regulations from several foreign countries including the United Kingdom, Australia, France and Canada; state diving codes of Oregon and Florida; and the medical and scientific papers of symposia devoted to diving safety and health. In addition, many members of the diving community with significant expertise and interest in diving safety and health have continued to make their experience and views available to the agency.

FINDINGS AND DETERMINATIONS

The Assistant Secretary has reviewed the entire record and evaluated all pertinent materials available to the Department with respect to occupational safety and health hazards associated with diving. The Assistant Secretary finds that divers work in an underwater environment which is inherently hazardous, and are subject to working conditions which pose life threatening risks on a daily basis. Because of the nearly complete absence of regulatory safeguards to protect them against these inherently hazardous working conditions, the Assistant Secretary has determined that such divers are exposed to a grave danger from exposure to substances or agents which are toxic or physically harmful within the meaning of section 6(c)(1)(A) of the Act (29 U.S.C. 655(c)(1)(A)).

The Assistant Secretary also finds, based on the evidence in the record, that unsafe work practices exist in the diving industry which have caused, and unless abated, will continue to cause serious injury, permanent disability and death among members of the diving community. Such practices increase both the gravity of the dangers to which divers are exposed, and the urgency of the need for immediate occupational safety and health regulations.

In addition, the Assistant Secretary has also concluded that, as a result of heightened activity in recent years in the diving industry primarily attributable to the nation's need to secure additional energy and mineral resources. divers are now being exposed to increased safety and health risks. These new risks are associated with, among other things, deeper and longer dives, the use of new operational modes and techniques, diving tables, and breathing mixtures which have not been tested to the same extent as previously. The Assistant Secretary has determined that these circumstances further require issuance of this emergency temporary standard because their existence augments both the inherent high risk and the existence of unsafe practices within the industry. The Assistant Secretary has further determined that such circumstances in themselves constitute a grave danger from exposure to new hazards within the meaning of section 6(c)(1)(A).

The Assistant Secretary has further determined that the issuance of an emergency temporary standard at this time is the required statutory response to the existence of the grave danger from exposure within the diving industry and that this ETS is necessary to protect divers from the grave dangers to which their occupation subjects them.

1. *Inherent danger and absence of regulation.* Working in an underwater environment is inherently hazardous in that it subjects divers continually to life-threatening safety and health hazards including several toxic substances and harmful physical agents.

Because of the hostile environment in which he works, the diver's place of employment is unique among all occupations. Divers must at all times be protected against harmful physical agents such as high pressure, temperature extremes, and unpredictable sea states. Toxic substances, due to contaminated breathing mixtures and the dependence on compressed gases, subject the diver's entire body to abnormal stress, organ dysfunction, sensory derangement, and other adverse physiological changes. In order to accomplish their work mission divers must be equipped with various types of tools such as oxy-arc cutting instruments, electric arc welders, and various explosive devices which can be hazardous in and of themselves; any faulty and improper equipment necessarily compounds the risk of danger. In addition, the diver is faced with many other hazards such as falling, loose, or sharp underwater objects which can crush, cut, or foul the diver's gear. Because the diver's work is in an isolated environment, even otherwise minor accidents can result in major tragedies unless medical assistance and treatment is obtained quickly.

Protection against these and the other hazards divers face can be afforded only by following the various procedures, equipment, and competence standards. A diver's well-being depends on the diver's protective equipment and the apparatus used to supply him with a life sustaining gas mixture, the diver's own competence and experience as well as the competence of his support team, the diving procedures used to permit the diving operation to be carried out safely, and the emergency procedures to be used if an accident should occur. A failure of any of these elements could be disastrous for the diver. The tolerances for error may be very slight. For example, in very deep dives a change of as little as one quarter of one percent in the proportion of oxygen in the diver's breathing mixture can mean the difference between death and survival (Tr. 46).

These factors—the diver's exposure to the unique hazards of undersea activity, his isolation from aid in the event of an accident or injury, the complex nature of his protective system, and the slight tolerance for error which exists in the operation of that system—all combine to create a situation in which the potential for serious or fatal injury to the diver is great. The factors creating this potential are present in few if any other occupations.

The total absence of any uniform and enforceable occupational safety and health diving standards places divers in increased jeopardy. There are no comprehensive occupational safety and health regulations applicable to the diving industry. A voluntary code has been established by the Association of Diving Contractors (ADC), but no uniform standards exist which are capable of being enforced or have application throughout the diving industry. Although a few states such as Oregon and Florida have promulgated diving safety codes, other states with significant diving populations have not. Compounding the problem is the fact that much of the diving which is currently done and most of the increased diving activity will be in areas which are outside the jurisdiction of individual states. Therefore only Federal agencies with appropriately comprehensive jurisdiction and authority are capable of addressing the problem of diving safety and health on a nation-wide basis.

Promulgation of an ETS for diving is necessary under the aforementioned circumstances in order to reduce the existing and future exposures to grave dangers. Pursuing regulatory strategies of either no regulation or delayed promulgation would have resulted in the increased likelihood of irreparable injury to significant portions of the diving population, and have been otherwise contrary to the agency's statutory responsibilities and basic policies of the Act.

Because of the inherent hazards associated with diving, the likelihood of increased activity with high risk potential, and the absence of any enforceable standards within this area, immediate adoption of an occupational safety and health standard is considered critical to the affected diving population. Fur-

ther delay in the promulgation of an appropriate OSHA standard would be unjustifiable in light of the high risk potential of the industry. The Assistant Secretary believes the decision to issue an emergency temporary standard is fully in consonance with the goal of the Act to assure safe and healthful working conditions.

2. *Occurrence of unsafe practices.* It is clear that there are now occurring within the diving industry unsafe practices which cause and threaten to continue to cause serious injury and even death.

Diving is a highly competitive industry which has been in a period of rapid expansion. There is demand for more diving, deeper diving, and longer diving. While employers are concerned with employee safety and health, the economic pressures are such as to provide a temptation to underbid competitors at the expense of safety and health considerations. Evidence presented at the hearing indicated that this is a significant problem (e.g., Tr. 303, 595, 601).

Training, experience, and physical fitness are clearly major factors in diver safety; yet employers have acknowledged their difficulty in recruiting divers who are sufficiently qualified to perform the types of diving activities which the employers are now contracting to perform (Tr. 151–54, 637–38). As a result, employees who lack the necessary competence to perform their dive or underwater work task safely have been exposed to situations which were too difficult for their level of skills (Tr. 566, 601–603). Not only are some of the divers unqualified, but some diving supervisors apparently lack the necessary competence as well (e.g., Tr. 543, 594, 619). Even when an employer establishes, by a manual or otherwise, a system of safe practices, unless there is a requirement to follow them, diving supervisors and other employees may act in a contrary fashion (Tr. 155–156). Likewise, the ADC Manual is a document which is not agreed to in all of its respects by all ADC members (e.g., Tr. 161), is not presently enforceable against any member who deviates from it (Tr. 830–831), and of course is not binding on the many diving contractors unaffiliated with the ADC. Consequently, as a result of deviations from accepted safe practices, there have been instances of diving operations in which divers have been permitted to dive below 220 FSW without any bell (Tr. 316, 544, 546, 550–53, 591–92, 595–6, 617, Exh. 47); untested diving tables are in use (Tr. 262); appropriate diving tables are present but have not been properly used or followed (Tr. 541, 543, 594, 629); or there has been no protective device to keep the propellers from cutting or entangling a diver's umbilical during live-boating (Tr. 341–42, 544–48, 595). Some of these incidents have ended in tragedy. (Exhs. 11, 41, 44, 45, 47–50; PHC 13, 14 (appendices); Reference M).

Moreover, in addition to such instances of unsafe work practices, other circumstances, including lack of a decompression chamber for onsite recompression treatment, inadequate diving platforms and barge layouts, and inadequate communications, have also been identified as contributing to diving accidents (Tr. 258–59). It has further been reported that equipment failure and equipment misuse have been at the root of many accidents, and that inadequate training of the persons involved was to a large extent responsible for this situation (Tr. 163).

These same factors which currently lead to certain unsafe practices are likely to be exacerbated as the diving industry expands into newer, deeper, and more complex areas. The situation will likely result in the involvement of more employers and divers who lack the experience and competence to do the kind of sophisticated work required, and will create further competitive pressures to reduce margins of safety in work operations. As one expert witness testified:

> It does not take much foresight to make three basic predictions for 1976 and the years that follow: (1) The quantity of diving in American waters will increase as the incentives for exploration follow rising petroleum needs; (2) the standard offshore diving setup will have 1,000 to 1,200 foot capability and these capabilities will be used; and (3) more divers will die (Tr. 14).

The evidence shows that some divers have already been killed or seriously injured in the course of their employment. The record indicated a number of deaths and serious injuries associated with diving which were related to or arose out of the course of employment (Exhs. 11, 41, 44, 45, 47–50; PHC 13, 14 (appendices)). While the testimony elicited at the fact finding hearing produced conflicting statistical evidence as to specific mortality and morbidity rates, the Assistant Secretary concludes that there is substantial evidence to support a finding that work-related hazards have manifested themselves as disabling injuries, illnesses and fatalities. The Secretary believes that examination of U.S. Coast Guard investigations of divers' deaths supports this conclusion.

The Assistant Secretary therefore finds as a result of these unsafe practices that divers are actually exposed, and will continue to be exposed with increased frequency, to grave dangers in their work. This factor further compels the conclusion that action pursuant to section 6(c) of the Act is warranted.

3. *New hazards occasioned by industry expansion.* As a result of heightened activity in the industry, divers are being exposed to new safety and health risks. Primarily as a result of the nations' need to secure new energy and mineral resources, the diving industry has been the scene recently of rapid expansion on submerged coastal lands and those further off shore on the Outer Continental Shelf. During all phases of operations, divers play a critical role. Consequently, such operations are requiring dives which are deeper, more frequent, and of longer duration than ever before. These extremely deep diving operations will continue because of the locations of many of the new areas set aside for exploration and production. Because of operational complexities, it is necessary for such diving often to be done for long periods of time. There is a clear likelihood that this trend will extend into the foreseeable future. As a result of this heightened intensity divers are being subjected to greater stress and fatigue, which further increase the risk of hazards usually present and associated with diving, per se. This new activity also raises the opportunity for diver exposure to long term hazards such as adversely subtle physiological changes, and diseases such as osteonecrosis (NIOSH I, 2–1, 3–1, et seq.).

The development and increasing use of new diving technology and operational modes has caused a re-evaluation of previously known hazards, and has resulted in the emergence of new health hazards which have the capability of affecting the diver's health.

The nature of off-shore activity has brought about the use of relatively new diving techniques and operational equipment. Deep dives of longer duration and involving complex underwater tasks are utilizing with increasing frequency saturation or saturation-excursion mode diving in which divers work and live under a highly pressurized environment for prolonged periods of time. While this mode does offer distinct operational advantages, it nevertheless creates exposures to new hazards, and has caused a re-examination of known hazards. In the deeper diving modes, exotic mixtures of inert gases are required to maintain environmental balance and the life support of divers. A miscalculation in adjusting the breathing mixture could cause tragedy. Highly precise decompression protocols must be employed in order to safely remove the diver from his pressurized surroundings. Prolonged exposure under pressure has caused re-evaluation of existing decompression sickness etiology. High Pressure Nervous Syndrome is one of the likely occurrences if the proper precautions during compression are not taken. (NIOSH I, 12–1, et seq.) New concern has been raised with respect to emotional stress and chronic fatigue to long term confinement. (NIOSH I, 5–1, et seq.)

Further industry expansion is virtually certain, making it increasingly difficult for diving employers to secure either adequately trained personnel, or, apparently, the equipment necessary to do the newly required operations in a safe manner.

All available data indicates a clear trend toward the increasing need for commercial divers, especially those with deep sea experience. However, there exists only a limited number of personnel who are adequately trained to accomplish the complex and demanding tasks associated with off-shore operations. Because of the nature of these operations, increasing numbers of competent and experienced surface support personnel will also be needed. The record indicates that poorly trained and inexperienced persons are significant factors in diving accident causation (e.g. Tr. 151–54, 637–38). The lack of qualified persons,

specifically trained for deep diving operations, is likely to cause an increased incidence of mortality and morbidity. This increased demand for deeper diving is likely to place some employers in a position where they will be unfamiliar with the newer operational modes, and unable to secure the proper equipment necessary to perform a particular operation in a safe manner. An absence of appropriate equipment or the presence of poorly maintained equipment will pose a definite hazard to affected workers.

The nature and scope of projected diving activity in the United States is analogous to that in other parts of the world, where there have been marked rises in fatalities, serious injuries and diving related illnesses.

The agency has taken note of the increase in accidents in international diving which has paralleled a rise in international diving activity similar to the increase in diving activity which is taking place in this country. As of January, 1976, at least 27 divers were reported to have been killed in the European North Sea operations over a four-year period, and almost half the number died in 1975 alone. This mortality rate is even more significant given the fact that the North Sea diver population is just over 1000, and has a fatality rate of 10 per 1000 for North Sea divers which represents a rate 220 times than that for factory workers (Tr. 117,256; Exhs. 44, 45; PHC 6, Reference N). Although not within the jurisdiction of OSHA regulations, many of the activities in these areas are conducted either directly by, or through affiliates of, American companies. In addition, many of the persons who dive in these foreign waters, are the same ones who dive in American waters.

Despite some differences in environment and climatic conditions, the foreign operations are in many respects similar to those being conducted here, or similar to those likely to be operated here in the near future (NIOSH I, xv–xvi).

For the reasons set out above, the Secretary concludes that the nature and intensity of the diving industry's recent activities have subjected, and are likely to continue to subject, divers to new hazards within the meaning of section 6(c)(1)(A) of the Act.

4. *The standard is necessary to protect divers from grave danger.* All aspects of the standard are necessary to protect divers from the grave dangers to which their occupation subjects them. These myriad hazards stem from the fact that once a diver descends into the water his safety, and ultimately his life, depend on the proper functioning of his equipment and the carrying out of safe practices. This system includes the competence, training and physical fitness of the diver; the competence and training of the diver's support personnel; the operating procedures used to assure that the diver is not unnecessarily exposed to unsafe situations; the equipment needed to protect the diver from the hostile undersea environment; and a means to monitor and record the time-pressure-gas mixture exposure. A failure in any of these elements exposes the diver to grave and potentially fatal dangers. Accordingly, to protect divers from these grave dangers the standard must, and does, ensure the adequacy of all these components.

The dangerous consequences of a failure of any of these components are described in detail later in this preamble as are the ways in which the standard responds to those hazards. A few examples are cited to illustrate that a diver is only as safe as the weakest link in this chain of components and that in order to protect divers from the grave dangers inherent in their occupation the standard must cover all of those links.

First, the standard has various requirements designed to ensure that all personnel, including divers and the support team, are adequately trained and competent to perform their assigned tasks. Such competence is vital to diver safety. For instance, an inadequately trained diver may, in a moment of panic, hold his breath during ascent from a dive (Tr. 198–200). Doing so, even during a relatively short ascent from shallow water will subject the diver to a possible gas embolism, a serious condition in which gas bubbles are forced into the bloodstream and can block bloodflow to the brain and other organs (Tr. 46; Exh. 6, 3–23, 8–9; NIOSH II, E–43). The standard addresses this danger by requiring employers to ensure that divers have a working knowledge of physiology as it applies to diving.

Second, the standard requires that divers be medically fit to dive. A person who, for example, is chronically unable to equalize sinus or middle ear pressure risks severe damage to those organs by subjecting himself to the increases in pressure inherent in diving (Exh. 6, 3–18–20). The standard prohibits a person with a chronic condition of this type from diving.

Third, the standard contains provisions to insure that safe operating procedures are employed. Without such procedures diver safety is impossible. For example, a diver engaged in a deep dive requiring long decompression time is isolated from surface assistance because he cannot ascend rapidly without suffering severe decompression sickness. If, therefore, he cuts himself badly or breaks a leg he may die from blood loss or shock before he can be safely brought to the surface (e.g. Tr. 592–3). To protect against this danger the standard requires the use of diving bells with standby divers for specified deep dives. The bell provides a safe refuge in which the injured diver can be treated.

Fourth, the standard requires that equipment and tools used in diving operations be appropriate and well maintained. A failure in almost any piece of the necessary equipment is potentially disastrous. For example, a malfunctioning air compressor which becomes overheated or pumps lubricating oil can introduce a level of carbon monoxide or oil mist in the respirable air that will affect the health or even imperil the life of the diver. The standard attempts to prevent such problems by requiring a prescribed level of respirable air purity fed to the diver.

As the preceding examples illustrate, a diver's safety from the grave dangers he faces on his job depends on safe practices, equipment, and levels of competence; and to protect divers the standard must cover each of those components.

5. *The standard can be readily implemented.* To assure compliance on an almost immediate basis (a 30-day delay in the effective date is provided to permit familiarization with the standard), only the most basic and minimum requirements necessary for assurance of safe and healthful working conditions, and other corollary rules necessary to assure that these requirements are properly maintained, have been included in the emergency temporary standard. Because of the unique and highly specialized nature of diving operations, OSHA obtained considerable technical advice from various members of the diving community including information regarding the capability of the industry to comply with the standard. Based on this information, the Assistant Secretary has concluded that the standard can be readily complied with. This conclusion that requirements of this emergency regulation can be readily implemented without significantly affecting the operations within the diving community as a whole is supported in part by the fact that much of the standard is based upon the ANSI Z–135 draft standard and the ADC Manual of Safe Diving Practices. This fact indicates that most of the requirements of the standard will be familiar to employers and that the types of requirements imposed by this ETS are considered generally feasible by the industry itself.

The basis for these findings and a fuller discussion of the hazards and the necessity for the standard are contained in the sections which follow.

Nature of the Diving Industry

According to a March 1975 census taken by NOAA, the commercial diving population in the United States numbers 2305. Commercial divers perform a variety of underwater tasks, and may be engaged in diving in any the country's coastal waters, the Outer Continental Shelf (OCS), throughout the Great Lakes region, and in many of the nation's rivers and inland lakes (Exh. 12).

As reported by the Undersea Medical Society, prior to about 1960 almost all commercial diving in the United States centered around harbor areas and inland waterways, and consisted mainly of construction, repair and salvage work. Until that time, except for scientific exploration and occasional salvage operations, the United States Navy did the bulk of the country's deep-sea diving. However, within the past decade and a half, in conjunction with this nation's quest for expansion of its share of the world's energy and mineral resources, new areas, mainly those located in coastal waters and other further off-shore areas have been opened for exploitation. Recent international

political and economic circumstances have caused this trend to be accelerated (NIOSH I, A-1).

According to the U.S. Department of Interior's Bureau of Land Management, there are currently over 2,000 oil and gas producing facilities in the Gulf of Mexico, and an additional five off California's Santa Barbara channel (Tr. 17). NOAA places the present diver population in the Gulf of Mexico at 905 full-time and 450 part-time divers (Exh. 12, Table 2, p. 7). Several states, namely Alaska, California, Texas and Louisiana have recently proceeded to expand their off-shore leasing activities. In addition, the Federal government has initiated a program of leasing new sections of the Outer Continental Shelf (Tr. 14–31; Exhs. 23, 24). Sales have recently been made off the West Coast near Southern California, and sites along the mid-Atlantic Coast (Baltimore Canyon) and in the Gulf of Alaska are scheduled for leasing during 1976. Although water depths of the Baltimore Canyon area range from 130–500 feet seawater (FSW), the ocean floor in the area of the new Southern California leases is 650 FSW at its shallowest and in some places exceeds 2,400 FSW. Of the six most recent lease proposals, the water depth for potential oil and gas exploration exceeds 650 FSW. Deep water and temperature adversity is also forecast for the Alaska drilling areas.

While the majority of inland and harbor diving occurs at depths less than 100 FSW, the off-shore diver works with oil rigs which regularly require operations at depths reaching 380 FSW. It is not uncommon for dives to be required at 500–600 FSW. Exploration from mobile drilling units is beginning to take place in depths approaching and sometimes exceeding 1,000 FSW. More diving at these deeper depths can be anticipated.

The Department of Interior's provisional plan schedule anticipates that some 400 new platforms and up to 70 new underwater pipelines will be constructed in the near future. Paced by the rapidly expanding offshore petroleum and material extraction industry, the need for trained and experienced divers has and will become markedly increased. Divers are utilized in each of the three phases of this industry: exploration, development and production. During the initial exploration phase, each deep water rig utilizes between 5–10 divers, with the average using seven. One diving contractor has suggested that this expansion of off-shore activity alone will result, at a minimum, in the need for approximately 1,000 new divers (Tr. 151).

The configuration of the commercial diving industry is such that 90 percent of all off-shore operations are conducted by some 23 contractors who employ over half of the country's commercial divers. In addition, there are approximately 400 small and medium sized diving companies, whose work principally, but not exclusively, is confined to harbors and inland waterways. In much of the diving industry, the work is seasonal. All diving contractors, but especially the smaller ones, depend on part-time divers to fill temporary manpower needs.

With the projected increased demand for deep sea divers, concern has been raised as to the availability of adequately trained and experienced personnel to fill the existing and anticipated manpower void (see, e.g., Tr. 151–152). The previous training of divers being introduced into these operations, whether in the military, in shallow water diving, or in diving schools, is in many cases not well-suited to the more hazardous diving modes required.

Although, some diving contractors have developed an extensive training capability within their own organizations, most employers have not been able to do so. The result is that divers entering this field may not bring with them the necessary experience to be able to function safety. Similar factors may result in the entry into the field of new employers who do not possess sufficient relevant safety and health experience.

The diving industry, which is thus entering its most expansive stage of development, is in an area of employment devoid of mandatory occupational safety and health regulations, save for certain voluntary efforts by the industry itself. While the efforts, particularly as represented in the ADC diving manual, have had some measure of success and are to be complimented and encouraged, they do not have the force of law behind them, nor are they universally accepted. Efforts to establish a consensus standard have also not yet reached fruition. Thus, although diving is recognized by one of the nation's leading insurance carriers as an occupation with high-risk classification (Exh. 14), no enforceable set of national safety and health standards have, prior to this ETS, ever been established.

Work Practices and Hazards

Divers are called upon to utilize their skills in activities involving construction, repair, salvage, inspection, rescue and scientific exploration (see, e.g., Tr. 149).

The work environment of the driver is inherently a hostile one, posing a multiplicity of hazardous conditions. This situation with its inherent potentiality for high risk is being exacerbated by the increasing physical and mental demands resulting from the application of technological innovations.

Traditionally the diver has worked alone. Today, however, although many jobs still call for a single diver, a significantly growing number of assignments are requiring the use of diving teams employing backup and support specialists.

The diver must rely on an external life-support system while underwater, and must perform under a variety of highly specific performance constraints. These constraints include diminished sensory and perceptual capabilities, interference with cognitive processes and psychomotor skills, and reduced physical working capacity. Factors such as environmental, psychological, and/or physiological stress, inappropriate human engineering efforts, and inadequate selection and training further hamper the diver's efforts. The diver must make highly specific adaptations to his equipment, his environmental working conditions, the work strategies he uses to do the job, and the stresses which reduce his effectiveness (NIOSH I, 6–1).

In diving, several techniques and modes are available. These include self-contained (SCUBA), surface-supplied, bell, mixed-gas, and saturation diving. Their appropriateness for any particular situation depends on a number of factors, including the depth, time, and nature of the operation to be performed, as well as the experience and technical capabilities of the employer and his employees (see, e.g., Tr. 147; NIOSH I, 8–4, 5).

SCUBA diving, with the diver carrying his own air supply, is used primarily for inspections and search activities. Diver inwater mobility and quick operation setup are its principal assets. Breathing resistance, the diver's difficulty in physically orienting himself to the worksite, limited breathing gas supply and particularly the absence of clear voice communications with the surface limit the usefulness of SCUBA in commercial activities (e.g., NIOSH II, C–45–48).

Surface-supplied techniques, both helmet and mask, are commonly used throughout the diving industry (e.g., NIOSH II, C–48–52). This method involves providing the working diver with his breathing mixture, whether air or mixed gas, through a hose from a source located on the working platform surface. This is a reliable method of supplying the diver with life support and, because he is tethered to the surface, facilitates control over his activities below. The major safety limitation, however, involves the duration of inwater decompression; for while the diver is in the water undergoing decompression, he is continuously subjected to the temperatures, currents and other factors of the environment. A protracted stay induces fatigue and increases the likelihood of weather shifts which will affect surface operations (NIOSH II, C–6).

When a dive is particularly deep or lengthy, therefore, bell diving becomes appropriate (e.g., NIOSH II, C–52–55). An open bottom bell affords the diver environmental protection during decompression. Though it does not provide all the safety features of a closed transfer-under-pressure bell, it provides significant safety advantages when compared to the safety of a surface-supplied, inwater diver. Thus, with a bell the diver has a short umbilical, is always close to a sanctuary and can be decompressed in the safety of a deck chamber, and a dive can be readily aborted in the event of difficulty (NIOSH II, C–7).

Mixed-gas diving is carried out with mixtures of oxygen and inert gases such as helium, and/or nitrogen. This mode replaces air diving when the partial pressure of the oxygen and nitrogen in the compressed air pose the likelihood of

toxic effects. At present, mixed-gas diving is generally used from 150 to about 500 FSW. Generally, mixed-gas divers are hose-supplied and use semi-closed breathing. Diving may be done from bells or may be surface-supplied (Exh. 31, p. 2).

Mixed-gas diving can be divided into three categories: short duration, medium duration, and total saturation. Short duration profiles are used or minor repair, adjustment or inspection, and other typical diving support tasks. Working time is usually 15 to 30 minutes. This diving mode is characterized by relatively short decompression. Medium duration diving includes dives which generally last up to one hour or more, depending on depth, and may involve a long decompression time(NIOSH I, 2T-2).

The third category is total saturation diving, which is used in situations where the diver will be exposed to high pressures for long periods. For diving depths exceeding 400–500 FSW over two hours, saturation diving must be employed. The advantage of saturation diving is that once the body tissues become saturated at any given depth with all the inert gas they can absorb, the decompression penalty from this exposure remains the same regardless of the length of time endured at that ambient pressure (Exh. 31, p. 3).

Whatever the diving technique or mode used, the ability of diving and support teams to act effectively and safely is dependent upon the level of competence of each of its members. Ensuring that personnel meet the required qualifications and are in good physical condition is the responsibility of the employer, as no single aspect of diving safety is as important as the skill of the individual diver (see NIOSH II, B–1, et seq.). Improper actions by the diver can quickly lead to dangerous situations; panic in an emergency can mean death. The time between normality and emergency is often measured in seconds. The diver must be in excellent physical and emotional health to continuously and clearly perceive his own situation (NIOSH II, C–26).

In addition to well-trained personnel, sound operating procedures are necessary to ensure that diving operations are conducted in a safe and efficient manner (see NIOSH II, C–1 et. seq.). However, no single set of procedures can anticipate all operating situations. Sound judgment, an ability to recognize present or developing hazards, and maximum attention to personnel safety must continue to be the cornerstones of safe diving operations.

Underwater task assessment, determining what the diver must do to complete the job, is a basic element of effective planning (NIOSH II, C–2). Task assessment in diving is closely related to safety. If operations lack appropriate tools or materials for a given task, makeshift equipment or rigging which may endanger the diver may be used instead. Improper task evaluation may require an extension of bottom time, necessitating unplanned decompression or extending decompression time.

Environmental conditions often affect the choice of diving procedure and frequently determine whether diving can be carried out. Wave height and period, sea and air temperatures, weather conditions, underwater visibility and currents, and the nature of the bottom all have significant influence on diving safety. Although the exact conditions cannot be known until the operation begins, proper planning calls for attention to the selection of techniques and equipment which will yield maximum safety under anticipated conditions (NIOSH II, C–3).

Surface water conditions also govern whether diving may or may not be conducted safely. Surface water conditions can, within limits, be predicted and must be considered in planning the operation. Techniques and equipment can be selected to minimize hazards, if they are anticipated beforehand (NIOSH II, C–3).

Maintenance of diver warmth is a key step in planning. Anticipated temperatures must be evaluated, and appropriate passive or active thermal protection must be provided. High water temperatures can create situations which may expose the diver to heat prostration, while cold water operations cause rapid heat loss from the diver's body surface. This normally demands insulating suits of varying degrees of complexity, depending upon the thermal gradient. In deep diving when helium-oxygen is employed, heat loss is so great that it inhibits the body's ability to maintain normal body temperature. Such diving often requires suits equipped with supplementary heating (Exh. 6, 3–16, 17, 8–9; NIOSH II, C–3).

The type and quantity of equipment used is also critical to the conduct of a safe operation (NIOSH II, C–9; D–1, et seq.). All equipment used in diving operations must be in proper operating condition and thoroughly tested prior to use. The safety implications of equipment failure or misuse for the diver and possibly the surface crew are so severe that the greatest attention must be given to equipment condition (NIOSH II, C–28).

In addition to familiarity with his personal equipment, the diver must also be competent in using the tools he will employ and familiar with the tasks to be undertaken. This familiarity requires training and continuous practice to develop the required proficiency. The person in charge of the diving operation must ensure, before the dive is made, that the diver understands how the task is to be executed and its inherent dangers (NIOSH II, C–27). This is especially true because many of the work tasks performed by divers, such as cutting, welding, and using explosives, are themselves very hazardous.

It is important that the depth of the dive site be known with precision, by accurate measurement. Of even greater importance to safety is the continuous knowledge of the diver's depth on a real-time basis, because this will determine his decompression regimen (NIOSH II, C–10, 11).

An immediately available source of emergency breathing gas is a necessity in case a diver loses his primary supply. This reserve supply may take many forms, but proper administration of a diving operation requires that it be available to the working diver. In deep diving, methods of supplying additional gas to the diver to permit proper ascent in emergency situations must be carefully assessed. Diving bells, both open and closed, must be equipped with a reserve breathing gas supply. This will usually entail having a primary topside supply and a reserve cylinder supply on the bell for immediate switchover (NIOSH II, C–11, 12).

Communications of all forms are vital to safe diving. Whether to advise vessels in the area of the operation, summon emergency aid, or coordinate operations between the diver and the surface, good communications are essential and must be properly planned (NIOSH II, C–20).

Commercial divers work from a wide variety of surface platforms. These range from exploratory drilling ships and construction barges to offshore supply boats, tugs, bridges, tops of dams, and scaffoldings. A safe diving platform should be stable, secure, and have adequate working space. A proper platform is an important component of overall safety. For instance, the vessel should always be equipped with a diving platform, ladder, or stage for diver safety while entering and leaving the water. Also, all supplies, particularly compressed gas equipment, must be secured in a way which precludes their being dislodged by vessel motion. Emergency supplies that are stowed must be immediately accessible (NIOSH II, C–21–23).

Proper planning for emergencies and development of contingency plans is a requirement for all diving activities. Specific written instructions, which are understood and available to all members of the diving team, must be provided for all emergency situations (NIOSH II, C–23). Potential emergencies for which contingency planning is necessary include loss of voice communications, interruption of the surface gas supply, severance of the diver's umbilical (hose bundle), diver entanglement or entrapment, uncontrolled ascent to the surface (blowup), and an acute illness or injury to the diver while he is in the water (See, e.g., NIOSH II, C–49).

A standby diver is essential for most diving operations. His responsibility is to go to the aid of the working diver immediately. Dispatching the standby diver should not be delayed. At the first indication of working diver distress, the standby diver should be deployed. The order to reach the diver who needs help quickly (NIOSH II, C–23).

In an emergency many forms of outside aid may be required, and careful consideration must be given to this before the operation is undertaken. Necessary emergency information includes telephone numbers of recompression facilities, USCG, air transportation, closest hospital, and consulting physician trained in hyperbaric medicine. The remoteness of many diving sites places a

premium on effective first aid treatment in medical emergencies. Diving operations require that reasonably comprehensive medical supplies and first aid treatment instructions be available. At least one person trained in first-aid must be at every dive site (NIOSH II, C-24).

Knowledge of recompression treatment is essential in diving operations, particularly those involving dives requiring stage decompression. Situations can range from simple joint pain to life-threatening central nervous system (CNS) involvement and gas embolism. This contingency must be properly planned for. Required equipment, including a decompression chamber on site, is necessary where there is extended stage decompression and clear emergency instructions must be provided for every diving operation (NIOSH II, C-24).

Fire is a potential danger on diving platforms, especially in pressurized chambers or wherever compressed oxygen is being used.

Special precautions, such as monitoring the oxygen level in decompression chambers and eliminating combustibles to the extent feasible, need to be taken to protect against fire. In addition, emergency fire fighting and evacuation plans must be incorporated into the emergency procedures planning on every dive site (NIOSH II, C-33).

The quantity and quality of a diver's breathing gas are of fundamental importance to the diver's safety. The quality of compressed air should always be considered, as oil, carbon monoxide and carbon dioxide can be significant contaminants. Compressors should be well maintained and have impurity-free intakes. All premixed gases, even when tagged for composition, should be checked onsite for oxygen content before use to avoid errors which could produce anoxia or oxygen toxicity at depth. Similarly, use of compressed air from compressors requires a knowledge of the type and condition of the compressor to assure oil and carbon-monoxide-free breathing gas (NIOSH II, C-28, 29).

Location of the compressor intake is important. The intake must be situated so that it cannot draw in exhaust fumes, regardless of shifts in the prevailing wind. Also, the compressor intake should not draw from the vicinity of exhaust from the ship's engines or other operating machinery (NIOSH II, C-30).

Breathing gas must be available in sufficient quantity and pressure to permit normal and emergency operations to be conducted. Sufficient reserves must be available for all anticipated emergency circumstances. Backup sources must be available in case the primary source is lost (NIOSH II, C-19).

Hoses are a diver's life line, and their integrity must be protected to assure safety. All hoses comprising the diver's life support which are exposed to potential damage as a result of falling objects, personnel, traffic, etc., must be protected. All breathing gas hoses should be oxygen cleaned so as to purge them of contaminants which could otherwise react with the oxygen under pressure in the breathing mixture (NIOSH II, C-30).

Live boating, the practice of supporting a tethered diver from a vessel underway, is a technique often used to inspect newly laid pipelines and in other situations requiring diver mobility over long distances. This useful procedure has certain inherent hazards which require special consideration.

The propellers of vessels used for live boating must be equipped with shrouds or similar devices which will prevent the tether/umbilical from becoming entangled in the propellers. Clear, audible voice communications must exist between the diver and tender at all times during the operation. Tending a diver engaged in live boating requires special techniques and the tender must be familiar with such techniques (NIOSH II, C-37).

In the water, particularly in case of limited visibility, a number of underwater jobsite hazards may be present. Fouling by debris, structures, new and old rigging, rocks, and numerous other items is not uncommon. If the diver is fouled and indicates panic or is unable to free himself, the person in charge of the diving operation must immediately dispatch the standby diver to follow the working diver's lifeline and assist in freeing him. In situations involving entry into confined areas such as wrecks, tunnels, sewer outfalls or other situations in which entrapment is possible, a second diver must tend the primary diver at the point of entry (NIOSH II, C-40-41).

Divers have been killed working in the vicinity of major inflow/outflow pipes, sluices, etc., in which extremely high local currents may be encountered. If such conditions are anticipated, the employer must take special precautions to protect the divers from these hazards (NIOSH II, C-41).

Physiological Hazards

Divers are particularly, and in some cases uniquely, susceptible to certain kinds of physiological hazards. The nature of the employment requires divers to be exposed constantly to a hostile environment. On any dive, he must adapt to such potentially harmful physical agents as pressure, breathing mixtures, and water in addition to thermal exposure. One pervasive variable is the element of depth. Increased depth means increased pressure, approximately 1 atmosphere (14.7 pounds per square inch) for every 33 feet of depth. While every increase in pressure does not necessarily create a proportionately greater risk of a diver's encountering a physiological hazard, some medical hazards are inherently pressure-related.

When a person is exposed to a hyperbaric environment, the elevated gas pressure that he must breathe causes an increase in the quantity of gas dissolved in his body. Subsequent ascent to a lesser environmental pressure can cause this gas to come out of solution, and this can produce, either directly or indirectly, a condition called decompression sickness. As discussed more fully below, decompression sickness may be manifested as rash, pain, paralysis or even death. It can be prevented by controlling the ascent of the diver in such a way that the pressure of the gases in solution never exceeds some critical pressure, which is related to the ambient pressure. The plan or procedure for the regulation of an ascent in order to prevent the formation or growth of bubbles is called a decompression schedule or table. Many factors go into the determination of decompression schedule and its effectiveness in returning a diver to the surface safely (NIOSH II, E-1).

Gases enter or leave body tissues depending on whether their partial pressure in arterial blood is greater or less than their partial pressure in the tissues. The rate at which gases are taken up or eliminated by any tissue depends on the partial pressure gradient between the blood and tissue, the respective solubilities of the gas in blood and the tissue, the rate of blood flow through the tissue, and the diffusion rate and path of the gas within the tissue (NIOSH II, E-2).

The deeper the diving depth, the greater the initial gradient for gas uptake and the greater the maximum amount of gas which can be taken up. The longer an exposure, the closer each tissue will come to reaching equilibrium with the arterial gas consumption. Once equilibrium between the gas being breathed and tissue has been reached, however, no additional gas will be taken up even if the exposure is extended in time. This condition is called saturation (NIOSH II, E-3).

Bubbles will form in biologic systems only if gas micronuclei are present. Doppler ultrasonic monitoring has shown that some bubbles always exist during decompression, even in the absence of symptoms of decompression sickness, and have been identified as causing disturbances in the linings of the blood vessels and in the blood itself, and as the cause of long term, subtle physiological effects to various organs of the body (Tr., 260, 695-702; NIOSH I, 3-1-25; NIOSH II, E-5).

Bubbles are directly involved in causing the symptoms of decompression sickness. The term decompression sickness is applied to any group of signs or symptoms which result from a reduction in ambient pressure. The symptoms manifest themselves in a number of different ways: a critical bubble volume which can block a blood vessel or bend a nerve ending beyond its pain-provoking threshold; a blood-bubble interaction which can cause various forms of hematological disorder, and various autoimmune responses; or bubble-tissue interactions leading to extravascular biochemical abnormalities. The major categories of acute decompression sickness are: (1) Limb bends and cutaneous manifestations; (2) audio-vestibular disorder; (3) spinal cord involvement; (4) brain center involvement; and (5) chokes (NIOSH I, 7-4).

The symptoms may vary from mild local pain or itching of the skin to collapse with unconsciousness and sudden death. Decompression sickness usually causes symptoms shortly after a dive or other pressure exposure, or before reaching the surface from deeper dives (Tr., 45–46, Exh. 27; Exh. 28; Exh. 6, 8–11, 12, 13; NIOSH II, E–40).

One of the common terms used for decompression sickness is "bends". The term bends is accurately used for decompression sickness with "pain only" symptoms. Bends affect joints, and are characterized by a deep, steady pain which is not relieved by movement or changing the position of the limb (NIOSH II, E–40, 41).

Another common type of decompression sickness has cutaneous manifestations, i.e., only the skin is involved. There may be itching or burning sensation, and blotching or mottling of the skin. This is a relatively mild form of decompression sickness which is seen somewhat less frequently than local pain (NIOSH II, E–41).

Central nervous system (CNS) decompression sickness may take a number of different forms, varying from localized numbness, to paralysis, to collapse with unconsciousneses. The following signs and symptoms may indicate CNS involvement: numbness, weakness, pain in the abdominal region, unconsciousness, shock, visual disturbances, nausea and vomiting, speech difficulty, dizziness and lack of balance, among other abnormal sensations. Any CNS involvement is considered a seriout decompression sickness (NIOSH II, E–41).

Decompression sickness involving the audiovestibular system is seen more often during decompression from very deep dives. It may manifest itself as partial or total hearing loss or ringing of the ears—usually unilateral—or a sudden severe vertigo, dizziness and nausea (NIOSH II, E–41).

The word "chokes" is applied to a type of decompression sickness occurring when a diver experiences shortness of breath with coughing or wheezing, or may notice pain when taking a deep breath. The victim may suddenly lose consciousness and collapse NIOSH II, E–42).

As another result of exposure to a hyperbaric environment, divers as a class are subjected to an increased risk of sustaining skeletal damage. This condition, known as dysbaric osteonecrosis (also known as aseptic bone necrosis, avascular necrosis, or commonly as "bone rot"), is the result of gas absorption into and release from tissue which cause, in varying degrees, a deadening of the bone and marrow. Although the disease was initially recognized in 1911, it was not until 1941 that it was identified in divers, and only recently have its pathogenesis and etiology been significantly explored. In its earliest stages, dysbaric osteonecrosis appears as lesions in the shafts of the long bones. Increased risk of additional lesions are likely to occur with extended diving experience. If the lesion is situated near a joint, a structural failure may occur. Such failure will result in pain and limitation of movement, followed by the development of degenerative arthritis. A juxta-articular lesion can be a sufficient joint disorder to require that diving be discontinued for those found to have such a condition. While the use of physiologically tested decompression tables will not eliminate skeletal damage entirely, such tables are likely to reduce its incidence. Data suggests an extremely high incidence where there has been an absence of proper diving protocols. Studies also suggest several apparent predisposing factors, helpful in identifying those divers with the greatest susceptibility or highest risk of developing osteonecrosis. They include: (1) obesity, (2) age, (3) prior decompression sickness, and (4) number, depth, and duration of dives (Tr., 64–70, 86–98, 461–64; Ex. 2; Ex. 28; NIOSH I, 2–1–17; NIOSH II, E–42).

Other medical problems which are not true decompression sickness can occur as a result of reduction of ambient pressure. The most prominent of these is gas embolism, usually caused by overexpansion of the lung when a diver holds his breath while ascending. Gas thus forced into the bloodstream will continue to expand as the ascent continues. If any gas bubbles become too large to pass through the blood vessels, an obstruction or embolus will form and block the proper flow of blood. The bubbles of air forced into the bloodstream may be carried directly to the brain; they may lodge in the arteries or the spinal cord; or they may flow under the skin and collect around the heart or in the chest causing collapse of a lung. This condition can rapidly cause dramatic and very serious symptoms—weakness, disorientation, visual and hearing disturbances, vertigo, nausea, shock and unconsciousness (Tr. 46; Exh. 6–3–23, 8–9; NIOSH II, E–43).

Related problems arise due to gas being forced into other body spaces. Pneumothorax occurs if the membrane lining the outside of the lungs ruptures, causing gas to escape from the lung into the chest cavity and the lung to collapse. Another condition sometimes associated with decompression is mediastinal emphysema, which is the result of air being forced into the tissues around the heart and the major blood vessels. During decompression, the air trapped here may rapidly expand, causing circulation stress, pain, and shortness of breath (Exh. 6, 8–9, 10; NIOSH II, E–43).

Other pressure-related problems may arise as a diver descends in the water whenever the pressure in the natural air passages of the body (lungs, ear and sinuses, teeth, and intestines), or in certain items of equipment which put an air space next to the diver's body or face, cannot be equalized due to blockages which trap air in the passages. This situation is known as barotrauma (or a "squeeze") and can be painful. If the pressure imbalance is great enough, it can result in ruptured blood vessels or other tissue damage (Exh. 6, 3–18–20).

Barotrauma can affect the middle ear, external ear, teeth, lungs, intestines, face, or whole body (Exh. 6, 8–7). The most frequently occuring otologic problem associated with diving is aural barotrauma, resulting from a pressure differential between the middle ear and external environment. During ascent or descent, alternobaric vertigo may occur as a result of unequal middle ear pressure equalization. An upsurge in persistent and permanent cochlear and vestibular injuries associated with various phase of diving have also been reported. One type has involved several cases of round window fistulas in which severe neurosensory hearing loss and tinnitus have been experienced. A second type of inner ear injury has been traced to exposure to extended deep dives in which breathing mixture composition changes were involved (NIOSH I, 1–3–8).

With the recent advent of more frequent and deeper exposures, such as occur in saturation diving, in combination with the use of different inert gases, increased instances of ear squeezes involving auditory and vestibular dysfunction have occurred resulting in vertigo and hearing loss. Divers cannot perform sophisticated underwater operations if their auditory-communication and vestibular-orientation systems are malfunctioning. In the diving environment, the otolithic system which conveys information about linear motion and direction of gravity may become distorted causing critical confusion as to upward and downward directions (NIOSH I, 1–1).

A further compression-related physiological hazard is the High Pressure Nervous Syndrome (HPNS). This is a condition due to too much compression at depths greater than 500 feet causing changes in the electrical activity of the brain, tremors, fatigue, nausea, and dizziness. Its onset makes effective work difficult at these depths and may set the limit for man in deep diving. It indicates the need for compression profiles or tables at the depths where High Pressure Nervous Syndrome has been observed (Tr. 263–4; NIOSH I, 1–5, 12–1 et seq.).

In addition to the hazards caused, directly or indirectly, by the high pressure to which a diver is exposed, he is also exposed to a number of hazards which are associated with his breathing mixture.

The fact that a diver breathes a compressed mixture, whether air or a mixture of gases (O_2-N, O_2-He, or O_2N-He, usually) below approximately 190 feet, and is dependent upon special equipment (the compressor and gas cylinders, helmet or mask, and hose) to bring the breathing mixture to him, poses certain physical risks for him. The diver's life is directly dependent upon the quantity and quality of his breathing mixtures. Any deviation from prescribed procedures can result in a number of serious respiratory problems. In very deep diving, the margin of error is very narrow. When one is dealing with a special mix, a change of a quarter of one percent of oxygen in the

mix may be the difference between death by asphyxiation or survival. Because of the particular nature of the underwater environment, any problem with the breathing mixture is potentially very grave (Tr. 38–39, 46; Ex. 6–8–5).

While underwater, a diver must breathe air or other gases at the pressure of the water surrounding him. Oxygen must be in all breathing mixtures, but it becomes toxic when the partial pressure in the mixture exceeds certain limits and must therefore be diluted with an inert gas. Nitrogen is an appropriate diluent for shallow dives, and helium has proved adequate for deeper dives. However, alternatives do exist. Neon and hydrogen are the most likely alternatives to helium and nitrogen. Several factors influence their respective usages including cost, availability, storage, efficiency and physiological side effects. Nitrogen could be used safely at depths in the range of less than 150–200 FSW. At 150 FSW most divers experience the beginnings of nitrogen narcosis, which can cause enough deterioration in memory and mental capacity to be an operational problem, and impair judgment enough to be a serious safety factor. In addition, nitrogen is highly soluble in body fluids, making it difficult to remove safely during decompression. Furthermore, its density makes it difficult to breathe at increased pressures. Helium on the other hand is light, easy to breathe, has a low solubility and is not narcotic. However, it does have three drawbacks especially as depths approach those of the outer continental shelf: distortion of voice communication (at 400–600 FSW); considerable heat loss as a result of its high thermal conductivity; and a tendency to produce hyperexcitability of the nervous system in conjunction with rapid decompression (HPNS). Safe alternative practices are available such as nitrogen saturation, excursion diving from shallow habitats, helium adjustment, employing speech unscramblers, adding a heat capability to equipment, slowing the rate of compression, or using trimex (helium, oxygen and nitrogen). Neon has successfully been substituted for helium under controlled conditions for dives as deep as 640 FSW; and hydrogen may be used after taking proper precautions with respect to flammability and explosive hazards. Another practice involves multigas mixtures and gas sequencing. Several benefits accrue from this practice: reduced costs, improved decompression, reduced chilling, improved voice communication, and lessening of the effects of HPNS. However, the practice is also suspected under certain conditions of producing vestibular decompression, skin lesions and itching (NIOSH I, 8–1 et seq.).

The characteristic dangers of breathing under water are: oxygen deficiency, oxygen poisoning, nitrogen narcosis, and chemical irritants. The following disorders all result in a shortage of oxygen reaching the cells for normal metabolism.

(1) *Hypoxia*, which is any situation in which the tissue cells fail to receive or utilize enough oxygen due to a loss or inadequacy of the air supply. It can be caused by a number of factors, including lack of adequate oxygen in the breathing mixture. Depending on the severity of the condition, symptoms include drowsiness, inability to think clearly, lack of fine-muscle control, discomfort, rapid breathing, and unconsciousness (Ex. 6, 3–14, 8–6).

(2) *Carbon dioxide poisoning (hypercapnia)*, which is a build-up of carbon dioxide in the breathing supply or in the body as a result of inadequate ventilation; failure of carbon dioxide removal equipment (as in a closed or semiclosed SCUBA); increased carbon dioxide production during work or while under stress; controlled or "skip" breathing; excessive dead space in the equipment; or contamination of the breathing mixture with carbon monoxide. The most common source of hypercapnia is the diver's own metabolic processes, and the most common cause is the failure to properly ventilate the breathing apparatus. The symptoms include confusion, inability to think clearly, unconsciousness and convulsions. Breathing an excess of carbon dioxide may increase the possibility of decompression sickness, and will speed the onset of oxygen poisoning (Ex. 6, 3–15; NIOSH I, 9–3).

(3) *Asphyxia*, which is simultaneous hypoxia and hypercapnia. Hypoxia and hypercapnia do not always occur together; however, when hypoxia becomes severe enough to halt breathing, carbon dioxide rapidly builds up in the body resulting in asphyxia (Ex. 6, 3-15).

(4) *Carbon monoxide poisoning*, which is caused by induction of exhaust fumes into the air supply compressor. Carbon monoxide is highly toxic because it combines with hemoglobin 200 times more readily than does oxygen, displacing large quantities of oxygen and rapidly bringing about hypoxia. The symptoms are almost identical with those of hypoxia (Ex. 6, 3–16; NIOSH, 9–10).

An excess of oxygen can be a problem as well as the lack thereof. Partial pressures of oxygen in excess of that encountered at normal atmospheric conditions may be toxic to the body, depending on both the partial pressure and the exposure time. From approximately 0.6 to 1.6 atm O_2, with exposure times varying from days to hours, lung toxicity may occur which is first manifested as lung irritation and can lead to lung tissue damage if the exposure is continued. Above partial pressures of 1.6 atm O_2, central nervous system oxygen toxicity occurs. Established depth and bottom time limits normally preclude the possibility of the development of inwater oxygen toxicity in air diving. It may be encountered while administering 100% oxygen during surface decompression procedures or recompression treatment if the diver is not constantly monitored inside the chamber for the related symptoms of oxygen toxicity. It is also a potential problem for divers breathing mixed gas below approximately 190 feet. The symptoms most often encountered, in the approximate order of their likelihood of appearance, are muscular twitching, nausea, dizziness, tunnel vision, abnormal hearing, breathing difficulty, anxiety and confusion, unusual fatigue, incoordination, and convulsions (Ex. 6, 3–20, 8–6; NIOSH I, 9–2; 10–3–5; NIOSH II, E–7–9).

Similarly, an excess of nitrogen can produce toxic effects. High partial pressures of nitrogen in the breathing mixture produce nitrogen narcosis. There is a wide variance in susceptibility to it among individuals, but its symptoms can begin to be experienced below 100 feet and are particularly prevalent below 150 feet in air diving. The narcosis is characterized by a slowing of mental activity, fixation of ideas, slowing of reaction time and a general euphoria. The greatest hazard of nitrogen narcosis is that it may cause the diver to disregard the job or particularly his personal safety (Ex. 6, 3–20, 8–6; NIOSH I 8–7, 9–8, 9).

The presence of irritating chemicals contaminating the breathing mixture can result in pulmonary edema. For instance, oxides of nitrogen from diesel engine exhaust can cause serious lung damage; likewise, oil from a compressor can cause a serious problem if it gets into the breathing mixture (Tr. 47, 596–600; Ex. 48; Ex. 6, 8–6; NIOSH I, 9–10–13).

Finally, there are hazards associated with the water itself as a work environment. Drowning is a risk faced by anyone who goes into the water. A diver, like a swimmer, can fall victim to overexertion, panic, inability to cope with rough water, or the effects of cold water or heat loss. Divers wearing lightweight or SCUBA gear can drown if they lose or ditch their mask or mouthpiece. This could be the direct result of failure of the air supply, or of panic in a hazardous situation. Drowning with deep-sea gear is rare. It can happen, however, if the helmet is not properly secured and comes off, or if the diver is trapped in a head-down position with the spit cock open, his chin pressing on the chin button, or his suit torn. According to the U.S. Navy Diving Manual, the prevention of drowning is best achieved by the establishment of safe diving practices and the careful selection of diving personnel (Ex. 6, 8–7).

A diver is often called upon to perform difficult work tasks under extreme circumstances. Much of the work involves heavy construction in deep water, work which often involves the manipulation of large and heavy objects at depths and in diving conditions which are bordering on the limits of technology. The normal hazards of such work are compounded by the fact that the diver is working on a vessel or in the sea, dressed in cumbersome gear, limited in his mobility and visibility, and sometimes restricted to a confined space. The risk of serious trauma is therefore always present, and injuires, such as severe crushing, amputation, head injuries, compound fractures and burns must be anticipated and protected against.

Chronic fatigue and deterioration has also been identified as a particular problem for divers working under stress in the saturation mode, where they may

be under pressure for twenty or more days (Tr. 36).

Additionally, any medical emergency, such as appendicitis or heart attack, becomes most serious when it occurs to a diver when in the water under pressure, particularly to those in a saturation mode where the decompression from the pressures experienced at saturation may take as long as a week. There is accordingly a need for careful planning concerning how to respond to such emergencies.

SUMMARY AND EXPLANATION OF THE STANDARD

The standard is divided into five substantive portions: General; Personnel Requirements; Operational Procedures; Diving Equipment and Systems; and Recordkeeping Requirements. Thus, to a considerable extent, it follows the format established by the ANSI Z–135 draft and the ADC Manual.

A. GENERAL

The standard applies to diving and related operations and activities associated with all employments covered by the Act including general industry, construction, maritime, shipbuilding, shipbreaking, ship repairing, and longshoring. Included in this coverage is diving engaged in for educational, scientific and research purposes, as well as diving engaged in by underwater instructors. Of course, diving by persons engaged in recreational or sport diving or other diving not in an employment context are beyond the jurisdiction of the Act. In addition, agencies of the United States, individual states and their political subdivisions, including state educational institutions, are not included in the definition of "employer" under section 3(5) of the Act and therefore are not subject to OSHA jurisdiction.

The standard does not apply insofar as another Federal agency exercises statutory authority to prescribe or enforce regulations affecting occupational safety and health.

Accordingly, the standard applies to every place of employment within OSHA territorial jurisdiction where diving operations are carried out. That is, it applies to all work operations carried out for an employer in which a type of diving such as SCUBA, surface-supplied, mixed gas, bell or saturation diving is performed.

While an issue was raised at the hearing as to the appropriateness of including scientific and educational divers and underwater instructors in such a standard, the Assistant Secretary concluded that, despite certain differences in operational techniques and modes among the various classes of divers, the commonality of the underwater environment and attendant similarity of work-related hazards called for uniform treatment and inclusion for purposes of the ETS. For example, requirements for medical examinations, training, and emergency procedures are deemed essential to safe work practices regardless of the nature of the employer's operations.

Although the scope of this standard is broad, covering every diving operation, the specific provisions of the proposed standard that will apply to any particular employer depend in certain respects upon the nature of the diving operation that is planned. Thus, for instance, certain requirements are limited to stage decompression diving only. Others apply only to SCUBA diving, and so on. In that way, the standard avoids placing unnecessary requirements on employers where they are inappropriate in view of the nature of their operations.

Pursuant to the statutory framework, the responsibility for compliance with the requirements of the ETS is placed upon the affected employers. In general, employers engaged in diving operations are required to do the following:

(a) Employ competent employees;

(b) Have and maintain a safe practices manual;

(c) Follow safe and healthful work procedures;

(d) Use appropriate tools, equipment, and systems; and

(e) Record and report job-related fatalities and serious illnesses, injuries, and accidents.

Each of these general responsibilities is elaborated upon in the substantive sections of the standard.

B. PERSONNEL REQUIREMENTS

OSHA believes that the safety and health of divers depend in large part upon their own competence and physical fitness. The standard place the responsibility on the employer to assure that his divers and surface support personnel are both competent and physically fit to perform their assigned tasks in a safe and healthful manner.

The concept of competence within the meaning of the standard includes proficiency with every aspect of a task to which a diver is assigned, to be acquired through appropriate training or equivalent experience, so that it may be performed safely. Where an employee lacks such competence in any necessary area, the employer must require the employee to take appropriate training, or he must assign another employee who possesses the necessary competence.

An essential element of employee competence for a diver is the diver's ability to meet the required physical qualifications of the standard. These basic physical qualifications must be determined on the basis of a physical examination (with a re-examination required after certain prescribed injuries or illnesses). To that end, the standard requires every employer to make available at his cost the services of a licensed physician to perform medical examinations designed to ascertain the employee's fitness to perform his assigned tasks.

The standard provides a table of tests to be administered by the examining physician at the initial examination (Table I), dependent in part on the nature of the diving engaged in. At the same time, there is a provision whereby a physician can utilize alternative medical tests or procedures if he can demonstrate that they are at least equally effective in establishing the diver's medical qualifications. Morever, certain physical conditions which are deemed totally inconsistent with safe and healthful diving are designated as disqualifying conditions.

While the responsibility necessarily lies with the employer to determine whether an employee is likely materially to impair his health by continued diving and therefore should be withdrawn or appropriately limited in his diving activities, he must make this determination on the basis of the examining physician's written report to him. The standard prescribes that the examining physician's written report indicate the results of the tests given in the medical examination as well as offer an opinion as to the effects of diving on various of the diver's vital systems, i.e., pulmonary, muscular, cardiac, skeletal, and nervous systems; on the ability of his gas-containing organs for effective external communications; and on the likelihood of aggravating existing evidence of bone necrosis. The physician must also offer an opinion as to the existence of any of the enumerated disqualifying conditions and recommend any limitations upon the employee's activities as a diver.

This physician's report, which must not include information extraneous to the employee's physical qualifications as a diver, must be given to the employer with a copy provided to the employee. The employee also has the right to examine any other materials in his medical record and may request the transfer of his record or a copy thereof to another physician or employer.

The employer is required to keep the physician's written reports and a copy of the information he provided the physician as the medical record of each affected employee for at least five years.

C. OPERATIONS PROCEDURES

The operations procedures sections of the standard establish basic procedures which must be followed when engaging in diving operations. A large portion of the emphasis within the applicable sections is placed upon proper planning and effective communication between the employer and his employees of the procedures to be followed in carrying out a particular diving operation. They also set forth certain requirements which must be included within a planned diving operation depending on the type of diving operation that is being carried out. These are intended to be minimum requirements of general applicability and no inference should be drawn that items omitted from this standard, which in particular situations are necessary for safe and healthful diving operations, need not be followed. As elsewhere, the responsibility for assuring that these operational requirements are met is placed upon the employer.

The first requirement which an employer must meet is to develop, maintain,

and comply with a safe practices manual. It is expected that this manual, which is to be made available to each employee, will comprehensively present the safety and health practices required in the areas of work assignments, operations to be followed, and equipment to be used, for each type of diving operation that an employer engages in. It must also include a description of the procedures to be followed in the case of certain specified emergencies.

This manual must include at a minimum the requirements of this standard, and, in addition, must indicate whatever other safe practices the employer requires in the carrying out of particular diving operations. These too should be equally directed, as the requirements of this standard, towards ensuring the safety and health of the employees. Existing manuals may be used to meet this requirement of maintaining a safe practices manual to the extent that they meet the specific provisions of the standard and to the extent that they are actually followed in the carrying out of an employer's diving operations.

The standard anticipates that the safe practices manual will not be sufficient for all occasions. It therefore provides that, prior to commencing a diving operation, the employees must be instructed in the details of the dive to be performed. For situations not included in the manual, instructions must be given to the affected employees in how to conduct the operation safely. Although circumstances may not always make it feasible to provide these instructions in writing, this must be done whenever there is sufficient time to do so.

Employees should be familiar with the requirements of both the manual and any operational diving plan which affects them. Immediately before any operation, the employer must ensure that the diver inspects his personal equipment and tools. Similarly, the employer and affected employees must consult together whenever there are hazardous activities or conditions in the vicinity which would threaten the safety of the operation or the health of the employees so that the employer may decide whether to suspend the operation temporarily. In any event, the employer must not require a diver to dive against his will.

Prior to the commencement of any diving operations, several requirements must be met. A list of available sources of emergency aid, equipment and professional assistance, and instructions for establishing contact with them in case of emergency, must be available at the worksite as well as at any field operations office or principal place of business. Two-way communications necessary to the requisition of such emergency aid must be available or accessible to the worksite.

There must also be first-aid supplies at the worksite, and at least one employee on site must be trained in first-aid.

Two of the most important general operational requirements involve the use of decompression chambers and decompression protocols. The standard requires that a decompression chamber be present at the worksite for all dives requiring stage decompression in excess of 30 minutes. One of the most difficult, and hence hazardous, periods for a diver is the required time spent for physiological adjustment as a result of exposure to water pressures. During this decompression or recompression period the diver's body is subjected to extremely stressful conditions which are capable of producing a variety of diseases or illnesses. Several factors increase the risk of danger: the deeper the dive (i.e., the greater the water pressure), the more exotic the breathing mixture; the longer the bottom time (duration of the dive), the more severe the exposure; and the increased frequency (repeated number) of dives over a short period, the lessening of the diver's ability to tolerate pressure exposure. All of these components prolong the period needed for decompression, and the longer the decompression period the greater the likelihood of a hazard-inducing occurrence.

When the decompression period takes placed in the water (at staged depth intervals) the serious risks attendant to decompression, per se, are heightened because of the potential trauma and uncertainty associated with prolonged underwater exposure. Isolation and inability to render immediate medical treatment aggravates the diver's already high risk situation. To lessen these risks, the standard requires the presence of a decompression chamber for dives in which stage decompression in excess of 30 minutes is involved. These chambers provide a controlled environment for physiological adjustments to the decompression process. They remove the diver from underwater exposure hazards, and allow immediate accessibility in the event of medical or other exigency. They can be used in an emergency as a hyperbaric treatment facility, including for the recompression of divers who exhibit symptoms of decompression sickness.

Although the presence of an onsite decompression chamber is optimally desirable whenever stage decompression is required, the evidence suggests that the highest risk of decompression-related hazards occurs when prolonged periods of decompression are anticipated. These usually occur at the deeper depths where the likelihood of remoteness and isolation are great.

Most shallow water diving occurs in inland waters and harbor areas. Inasmuch as the transportation and medical facilities are often in proximity of shallow diving operation sites, the standard allows dives with decompression times of less than 30 minutes to be performed without the presence of an onsite decompression chamber. This would permit dives of relatively long duration at shallow depths, and some deeper dives with short bottom times using only in-water decompression procedures.

Of course, any employer who plans stage decompression dives, whether or not in excess of 30 minutes decompression time, must include the location of a decompression chamber and medical facilities in the list of emergency aid to be available at the dive site. In the event of a medical or other emergency a diver could thus be transported and treated promptly at a nearby medical facility.

With respect to decompression protocols, including tables, the standard requires that appropriate tables devised in accordance with tested physiological criteria be available at the dive site and adhered to. In so requiring that decompression tables and schedules be devised in accordance with tested physiological criteria, the standard embodies, in general terms, the current state of the art (See, generally, NIOSH I, 2T–1 et seq.). Adherence to tables devised in accordance with sound physiological principles is likely to produce a minimum of adverse symptoms while undergoing the necessary decompression or recompression so essential to the well-being of the diver.

Because of the many variables involved and the extensive theoretical and experimental research that is still needed, adoption of a single set of tables (e.g., those of the U.S. Navy) was deemed inappropriate for inclusion within an OSHA standard at this time. Furthermore, evidence in the record suggested the inherent inapplicability of military diving tables for commercial purposes (e.g., Tr., 169–70, 457). As more information and research data on diving tables becomes available, OSHA anticipates that a more sophisticated and detailed protocol will be developed for incorporation into a subsequent diving standard.

Other general operational requirements include the following:

(1) Inspection of tools, equipment, and systems to ensure that they are in proper working condition prior to and throughout an operation;

(2) A safe means of entering and leaving the water;

(3) Special precautions for adverse thermal exposures;

(4) A standby diver ready to reach a diver within five (5) minutes for all dives below 100 FSW, or which are unusually hazardous; and at the point of entry of any restricted area in which a diver is working;

(5) Special precautions when diving near underwater suction hazards;

(6) The use of specified warning signals;

(7) A reserve breathing gas supply sufficient for life support until the diver can safely be returned to a refuge or the surface whenever a dive involves stage decompression;

(8) An operable, two-way audio communication system between the diver and the surface (tender); and

(9) A sharp knife to be carried on every dive.

Each of these general operational requirements is necessary to protect employees engaged in diving from the grave danger to which they are exposed.

There is one other requirement relating to general operations procedures. The employer is obligated to record cer-

tain information pertaining to each diving exposure to which a diver is subjected. This record includes such vital information as depth, bottom time, and decompression schedule used. This record is considered essential to the safety of diving operations in that it acts as a check upon departures from the dive plan and provides a body of data which allows for the pinpointing of problems which may have arisen in the course of the operation and on the basis of which improvements can be made in future operations. A separate record must be made for each diver with a unique exposure. Such records must be kept for five (5) years.

In addition to the general operations procedures, the standard requires certain procedures considered necessary for inclusion in an ETS, which are specific to different modes and types of diving. These practices concern self-contained diving, surface-supplied diving, saturation diving, mixed-gas diving, bell diving, and live-boating respectively.

For self-contained diving (SCUBA), the standard allows for the use of a buddy diver or a safety line operated with pull signals in lieu of the general two-way audio communications requirement between the diver and the surface. It requires that the planned time, including decompression time, of a SCUBA dive not exceed the air supply duration of the cylinders (disregarding the emergency supply). Moreover, it requires that the cylinder pressure be determined immediately before each dive.

For surface-supplied diving, the standard requires the employer to assign a sufficient number of employees to ensure the diver's safety and health and to make possible effective response in case of emergency. Also, it establishes that the depth of each dive be determined prior to its commencement.

For saturation diving, the basic specific requirement is that the employer develop and include in the safe practices manual an evacuation plan to be put into effect in case it should become necessary to rescue or retrieve a manned HOPV in an emergency.

In regard to mixed-gas diving, the standard sets the basic requirement that the breathing mixture be composed of a physiologically appropriate mixture of gases, taking into account the depth and duration of the dive. Specifically, it sets a limit of 220 FSW as the depth below which air shall not be used as the breathing mixture, and it provides that the use of air between 190 FSW and 220 FSW be limited to dives not exceeding 10 minutes in bottom time. This is in recognition of the fact that air dives have been conducted safely in such operations as pipeline laying down to 220 FSW under that time limitation, notwithstanding the fact that 190 FSW has long been recognized in the U.S. Navy Air Tables and elsewhere as the outer safety limit for longer duration air diving.

For bell diving, a minimum of two divers must be used for all dives involving a closed bell. The standard requires that either a closed or open bell must be used whenever a dive exceeds 220 FSW or 120 minutes decompression time. Below 300 FSW, only a closed bell must be used. These limits were chosen because of evidence in the record that bells are advisable when there is mixed gas diving and that the absence of bells in circumstances where this standard would require their use have unnecessarily placed divers in peril with sometimes tragic results (Tr. 316, 544, 546, 550–53, 591–92, 595–96; 617; Exh. 47). Compliance with the bell requirements are deemed essential to diver safety.

The purpose of this requirement is to provide a place of refuge for a diver whose work takes him to severe depths or requires a lengthy decompression and to allow for the raising of a diver in trouble to the surface under pressure. A wide range of bells, from relatively simple underwater shelters to highly sophisticated habitat-type systems, exist which satisfy this requirement.

The standard also concerns itself with potential bell diving emergencies by requiring the availability of adequate means of rescuing a bell in distress. A standby diver must be on site to attend a distressed bell at the surface.

Finally, for liveboating, there is a requirement that a protective device be installed around the propeller while the boat is underway; that divers engaged in live-boating operations carry a reserve breathing gas supply (ballout bottles) with them; and that a standby diver be available for all such operations.

Diving Equipment and Systems

In the sections concerning diving equipment and systems, the standard establishes certain basic hardware requirements which are deemed essential to diver safety and health. It also provides for the periodic testing of certain equipment, and the recording of the results of such testing, to ensure that the equipment remains in proper working order throughout the diving operations. As elsewhere, the employer is responsible for ensuring that the requirements of these sections are met.

Specifically, the equipment and systems covered are:

1. Helmets and masks;
2. Dry suits;
3. Gas supply hoses;
4. Air compressors and systems for respirable air;
5. Human occupancy pressure vessels (HOPV's);
6. Depth gauges; and
7. Compressed gas equipment.

Helmets and masks (other than oral-nasal) must be capable of ventilating at least 4.5 cubic feet per minute (cfm) when supplied at the manufacturer's recommended pressure. They must be equipped with a two-way audio-communication system (unless used for SCUBA). Surface-supplied masks and helmets must have non-return valves. When appropriate, the material they are made out of must be resistant to salt-water corrosion.

Dry suits (or similar buoyancy changing equipment) must be equipped with exhaust valves to minimize the possibility of blowup.

Gas supply hoses must be rated for a bursting pressure at least 4 times greater than maximum working pressure, and a working pressure no less than the maximum pressure exposure plus 100 pounds per square inch (psi). They must be marked at prescribed intervals, kink resistant, and capable of the required flow rates for the system used. They must be tested at least annually to twice the maximum working pressure. Hose fittings must be salt-water resistant, where appropriate, and of a kind that cannot be accidently disengaged. When not in use, the hoses must be protected from the possibility of foreign matter entering into them. When necessary, they should also be cleaned so as to remove contaminants which could otherwise react with oxygen under pressure. The hoses and fittings used in oxygen service must be tagged or otherwise marked for identification.

Volume tanks used in compressed air systems must comply with the American Society of Mechanical Engineers (ASME) Code for Boiler and Pressure Vessels, Section VIII, Unfired Pressure Vessels, and, where applicable, must be approved by the Coast Guard. In addition, they must be equipped with a check valve on their inlet side, a pressure gauge, and a relief valve so as to prevent excessive pressure buildup. All air compressor intakes must be located in an area free of contamination or piped externally to a contamination-free area. The standard also estabishes certain air purity requirements for respirable air to the diver.

Similarly, all HOPV's must conform to the requirements of the same ASME Code, and, where applicable, satisfy Coast Guard approval procedures. Hard piping systems, fittings and tubings carrying pure, high pressure oxygen must be of corrosion resistant metals. HOPV internal oxygen outlets must have nonreturn or shut-off valves. Shut-off valves used in oxygen systems above 125 psi must be slow-opening. A means must be provided to prevent the oxygen concentration from rising above 25 percent of the atmospheric content, and the possibility of continuous monitoring of the oxygen concentrations while the HOPV is in use must be established. Combustibles must be eliminated to the extent feasible through proper design and outfitting. There must be the possibility of maintaining continuous visual observation of persons in the HOPV from the exterior. An anti-suction device must be installed inside the HOPV on the exhaust outlet. There must also be two-way audio-communication while the HOPV is in use.

Depth gauges must be deadweight tested or calibrated against a master-reference at least every six months; and cards or labels to that affect must be attached to the gauges. The depth gauges must be installed so as to allow a system check of their accuracy.

Compressed gas equipment, such as cylinders, must be stored in a well ven-

tilated area and protected from heat or falling. They must have protection caps over the necks and valves when not in use. Oxygen systems must employ oxygen compatible pressure regulators to control flow.

To keep track of his equipment and its testing, the employer is required to maintain an equipment log. The log must contain information concerning the testing of gas supply hoses and fittings, the procedures followed in the oxygen cleaning of hoses, the maintenance and repairs to the air compressor and air system, and the testing and calibration of gauges. Entries into the log must identify the equipment or part, the nature of the work, the date of the work, and the person performing the work. This log must be kept at least five (5) years.

Recordkeeping Requirements

Employers engaged in diving, like all employers, must comply with the basic OSHA requirements for the recording and reporting of occupational injuries and illnesses which are contained in 29 CFR Part 1904. In addition to the reporting of all occupationally related fatalities and of hospitalizations of five or more employees, which is required by that regulation, the diving standard requires employers to report to OSHA all occurrences necessitating a medical reexamination under the standard, i.e., all decompression sicknesses with vestibular or central nervous system dysfunction, and all illnesses or injuries requiring hospitalization of 72 hours or more, or requiring medical treatment by an attending physician for five or more days.

Finally, any manual, written instruction, record, or log required to be kept by the standard must be made available for inspection and copying to an authorized representative of OSHA upon request.

Inflation and Environmental Impact

Pursuant to section 5(b)(8) of Secretary's Order 15–75 (40 FR 227, November 24, 1975), which pertains to standards issued under section 6(c) of the Act, notice is hereby given that an inflation impact analysis will be prepared and made available prior to the promulgation of any permanent standard resulting from this Emergency Temporary Standard.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued thereunder (29 CFR Part 1999) require that Federal agencies assess their proposed major actions to determine whether a significant impact on the quality of the human environment may result, and if necessary to prepare an environmental impact statement. It has been determined that, at this point, the issuance of this occupational safety and health standard is not a major Federal action significantly affecting the quality of human environment, and that an environmental impact statement is therefore not necessary.

Public Participation

This emergency temporary standard shall serve as a proposed rule in the rulemaking proceeding being commenced under section 6(b) of the Act. Additional proposals concerning this matter will soon be published. At the time of such publication, all interested persons will be invited to submit written data, views and arguments concerning this standard and the additional proposals, including comments on inflationary and environmental impacts. Interested persons will also be invited to file objections and to request a hearing on the proposals.

Anyone wishing to comment at this time may do so by submitting such comments in quadruplicate to the Docket Officer, Docket No. H–103, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3620, 3rd and Constitution Avenue, NW., Washington, D.C. 20210 (telephone: 202/523–8076). All comments will be available for public inspection and copying at the above address, will be part of the record of this proceeding, and will not have to be resubmitted at a later date.

List of References

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B. Hearing Exhibits:

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2. NIOSH Symposium on Dysbarism-Related Osteonecrosis.

3. Proposed American National Standard on Diver Safety of the American National Standards Institute, Final Draft of ANSI Z–135 Committee.

4. Manual on Safe Practices in Commercial Diving Operations (Association of Diving Contractors).

5. National Oceanic and Atmospheric Administration Diving Manual.

6. U.S. Navy Diving Manual (1973).

7. British Diving Standard, "Offshore Installation (Diving Operations) Regulations 1974, Statutory Instrument No. 1229".

8. Affidavit of Paul Woodhall, President, Professional Divers Local 1012, United Brotherhood of Carpenters and Joiners of America, formerly President International Association of Professional Divers, Inc.

9. "Compressed Air for Human Respiration Standard", prepared by Compressed Gas Association.

10. "Commodity Specification for Air, American National Standard," prepared by Compressed Gas Association.

11. U.S.C.G.—Reports Concerning Deaths of Commercial Divers.

12. NOAA—"An Analysis of the Civil Diving Population of the United States".

13. Oregon Safety Code—"Commercial Diving and Compressed Air Work."

14. "Hazardous Occupations and Avocations" from statistical Bulletin, Mar. '74 Metropolitan Life.

15. "The Effects of Abnormal Physical Conditions at Work: Medical Hazards of Diving."

16. Regulation for Control and Prevention, Occupational Diseases; Amended Nov. 11, 1964; Dept. of Commerce, Bureau of Workmen's Compensation, Tallahassee, Florida.

17. Underwater Association Code of Practice for Scientific Diving, Second Edition 1974; Natural Environment Research Council, London, England.

18. Santa Fe Engineering Corp., U.S. Gulf Coast Diving, Safety and Emergency Information.

19. The Principles of Safe Diving Practices CIRIA Underwater Engineering Group 6 Storey's Gate London, SWIP 3AU, London, England.

20. Comments received: a. Government of the District of Columbia Minimum Wage and Industrial Safety Board; b. Dept. of Transportation, U.S. Coast Guard; c. Dept. of Interior, National Park Service; d. National Oceanic and Atmospheric Administration.

21. Notices of Intent to Appear.

22. Notice of Hearing 10–22–75.

23. Dept. of Interior News Releases concerning OCS Lease Sale through 1978.

24. Dept. of Interior News Releases Leasing Schedule.

25. Estimates of Undiscovered Recoverable Resources, Production Profiles & Facilities Required. (Dept. of Interior)

26. Regulations Pertaining to Mineral Leasing Operation & Pipelines on the Outer Continental Shelf. (Dept. of Interior)

27. The Harry G. Armstrong Lecture: "Decompression Sickness: Advances and Interpretations" (A. Behnke)

28. "Medical Aspects of Commercial Diving and Compressed Air Work", E. Kindwall, in *Occupational Medicine, Principles & Practical Applications.*

29. "Selections and Training of Physicans and Paramedics for Offshore Diving", Preliminary Draft of Part 5T of the NIOSH–UMS National Plan for Safety and Health of Divers.

30. Statement of Andre Galerne.

31. "Compression and Decompression Protocols," Preliminary Draft of Part 2T of the NIOSH–UMS National Plan for Safety and Health of Divers.

32. "Effects of Drugs under Hyperbaric Conditions," Preliminary Draft of Part 11 of the NIOSH–UMS National Plan for Safety and Health of Divers.

33. "Selection & Training of Professional Divers," Preliminary Draft of Part 5 of the NIOSH–UMS National Plan for Safety and Health of Divers.

34. US underwater fatality statistics—1973.

35. Medical Research Report. EA 7104 Occupational Safety and Health Problem of the Diving Industry in Offshore Petroleum Production.

36. Theory & Development of Subsaturation Decompression Procedures for Depths in Excess of 400 feet.

37. Summary of Employee Relations Practice Patterns in the Diving Industry.

38. Minutes of 1st. Meeting, International Diving Contractors Assoc.—at No. 9 Upper Belgrave St., London, 17 July 1967.

39. Letter from S. Strauss (ADC) to OSHA commenting on Carpenter's petition.

40. Letters submitted by Ed Forsyth: A. Letter from Buckland; B. Letter from Hansen; C. Letter from Smith.

41. Representations by W. Hunter: A. List of Fatalities; B. Particulars of Darrel Taylor; C. Death Certificate of Dave McAllister; D. Records of James Johnson.

42. Diving in Construction Operations, National Safety Council Data Sheet.

43. Pg. 443, Hearing before Subcommittee on Labor of the Committee of Labor & Public Welfare, United States Senate—Ninety-Third Congress, Second Session—on a Review of the Occupational Safety and Health Act of 1970.

44. Article "Oil Rig, Diving Fatalities Mount." 10/23/75 *ENR* (Engineering News Record).

45. "Offshore deaths Worst Since 1965" Article *Offshore Engineer* Jan. 75.

46. Article "400 North Sea Divers are just not up to Standard" *Offshore Services* 2/75.

47. Statement of Len Andrew regarding the death of Mack Andrew, 8/7/69.

48. Medical report of Dr. Jenkins concerning Mr. James Onion.

49. Medical Report of Dr. Kindwall concerning Mr. Chandler Rashly.

50. A Diving Log of Mr. John Alvenus Aug. 23, 1972. B. Bends and Related Accident Depth on John Alvenus, Aug. 23, 1972.

51. 02 5th International Hyperbaric Congress proceedings 1973, Vol. II.

52. Letter from Stanley R. Strauss to OSHA concerning the incidence of bends, dated 10-20-75.

53. Preliminary comment of the ADC regarding hazards in commercial diving and the necessity of an emergency temporary standard, dated November 13, 1975.

54. Letter to H. W. Gillen, M.D. from Donald Boone, President International Association of Professional Divers, Inc. Dated 12/29/72

55. Comment of Donald Stevens, Diving Operations Supervisor, Normandeau Assoc.

56. Qualification of Joseph Carroll.

C. Post Hearing Comments:

PHC 1. Letter from Robert H. Harrison, Standards Specialist, Kentucky Department of Labor to Ms. J. Goodell, OSHA, dated November 11, 1975.

PHC 2. Letter from Jack S. Mixer, Logan Diving Inc., to Ms. J. Goodell, OSHA, dated November 11, 1975.

PHC 3. Letter from J. E. Logan, V. P. Logan Engineering & Contracting Co. to Ms. J. Goodell, OSHA, dated November 11, 1975 and attaching replies to Diving Standards Questionnaire.

PHC 4. Letter from W. J. O'Neill, Dive Director, Westinghouse Electric Corp. to Mr. Arnoldus, OSHA, dated November 18, 1975 attaching a paper entitled "Safety Considerations in Undersea Life Support."

PHC 5. Letter from Edward L. Beckman, M.D. to Jay Arnoldus, OSHA dated November 17, 1975, attaching a document entitled "Development of an Improved Decompression Table for Commercial Diving."

PHC 6. Article from October 75 issue of *Ocean Industries*, "North Sea work has high risks."

PHC 7. Letter from Eric P. Kindwall, M.D. to Jeffrey D. Doranz, Solicitor Office, to Jay Arnoldus, OSHA, dated November 26, 1975.

PHC 8. Letter from Peter A. Williams, Program Director Highline Community College, to Jay Arnoldus, OSHA, dated November 26, 1975.

PHC 9. Letter from Robert J. Pleasure, United Brotherhood of Carpenters and Joiners of America, to Nathaniel Spiller, Solicitor's Office, dated November 21, 1975 attaching a statement made before the Select Committee on the Outer Continental Shelf and Exhibits A–H.

PHC 10. Letter from James P. Moran, President, North Shore School of Skindiving, Inc. to OSHA, dated December 1, 1975.

PHC 11. Letter from J. F. Crofton, President Crofton Diving Contractors, dated, December 8, 1975.

PHC 12. Letter from Glen H. Egstrom, Ph.D., University of California, Los Angeles, to Jay Arnoldus, OSHA dated December 3, 1975.

PHC 13. Additional comments of the Association of Diving Contractors, dated December 8, 1975.

PHC 14. United Brotherhood of Carpenters and Joiners of America—"Memorandum In Support of Petition Requesting Adoption of Generally Recommended Safety and Health Procedures for Commercial Diving as an Emergency Temporary Standard Issued Under the Authority of the Occupational Safety and Health Act."

PHC 15. Letter of George H. R. Taylor, Executive Secretary, AFL–CIO Standing Committee on Occupational Safety and Health to Ms. Joanne Goodell, OSHA, dated December 8, 1975 with 2 attachments.

PHC 16. Statement of James R. Stewart, Diving Officer, University of California, San Diego, attaching the *Marine Technicians Handbook* of the Scripps Institute of Oceanography.

PHC 17. Telegram to OSHA from F. J. Van Antwerp, Durocher Dock and Dredge, Inc. dated December 5, 1975.

PHC 18. Telegram to OSHA from Podesta Divers, INC., dated December 1, 1975.

PHC 19. Letter from C. F. Logan, President, Logan Diving & Salvage Co. dated December 5, 1975 attaching portions of a NOAA Report dated March 15, 1975.

PHC 20. Letter from John P. Ripp, V.P.-Treas. Ripp-Tide to John Dunlop, Secretary of Labor, dated December 2, 1975.

PHC 21. Letter from Barry Sullivan, Washington Representative The National Association of Dredging Contractors, to John Dunlop, Secretary of Labor, dated December 5, 1975.

PHC 22. Letter from Rex Caffall II, of Trans Divers to Logan Diving Inc., dated December 3, 1975.

PHC 23. Letter from Joseph G. Elkins, Divers Inc. to OSHA December 5, 1975.

PHC 24. Letter from Larry B. Kennedy, Director, Administrative Services, Hydro Tech Inernational, Inc. to Mr. J. J. LoRocca, OSHA dated December 4, 1975.

PHC 25. Letter from Bill Boudreaux, Aqua Sports Inc. to John Dunlop, Secretary of Labor dated December 5, 1975.

PHC 26. Letter from Jack S. Mixer, V. P. Logan Diving Inc. To Mr. Joseph J. LaRocca, OSHA, dated December 1, 1975.

PHC 27. Letter from Central Pacific Divers to OSHA dated December 2, 1975.

PHC 28. Memo from Logan Diving Inc. to all Divers and Diving Companies dated November 26, 1975.

PHC 29. Letter from Ed Fite, Aqua-Venture dated December 1, 1975.

PHC 30. Letter from Habert C. Faitel, Dearborn, Chairman, "NIX ON OSHA" committee dated December 1975 attaching a pamphlet by Alan Stang entitled *OSHAcrats*.

PHC 31. Letter from J. E. Logan, President, Underwater Survey Inc.* to Mr. J. J. LaRocca, OSHA, dated December 3, 1975.

PHC 32. Copy of Letter from Phillip Burton, member of Congress to A. L. Podesta, manager, Podesta Divers, dated December 8, 1975.

PHC 33. Letter from Jon Hardy, General Manager, National Association of Underwater Instructors to OSHA dated December 9, 1975 with attachments.

PHC 34. Letter from C. F. Logan, Logan Diving & Salvage Co. to Joseph J. LaRocca, OSHA dated December 4, 1975, attaching portions of a NOAA report of March, 1975 and comments and suggestions applying to the ADC manual.

D. List of hearing exhibits.

E. Certification of hearing record with list of post hearing comments.

F. Letters from Congressmen and members of the public received after the certification of the hearing record (unnumbered).

G. National Institute for Occupational Safety and Health *et. al.*, National Plan for the Safety and Health of Divers in their Quest for Subsea Energy (19 reports) (NIOSH I).

H. National Institute of Occupational Safety and Health, NIOSH-Terrytown Labs-Undersea Medical Society Diving Standards Project Technical Narrative (preliminary report pursuant to "Safe Work Practices and Medical Procedures" contract on diving (NIOSH II).

I. "Dysbaric Osteonecrosis", in Davidson, J. K., ed. *Aseptic Necrosis of Bone* (New York, 1975) includes British Medical Research Council Decompression Registry techniques for skeletal radiological investigation of divers.

J. Directory of world-wide, shore-based hyperbaric chambers, Vol. I U.S. and Canada, NAVSHIPS 0994–010–4011 (1974).

K. U.S. Navy Diving Operations Handbooks, NAVSHIPS 0994–009–6010 (1974).

L. Underwater Zero-Gravity Simulation Trainer, NASA Marshall Space Flight Center, Huntsville, Alabama.

M. U.S. Coast Guard—Diving Fatality Reports.

N. "Medical Implications of Oil Related Industry", British Medical Association—Scottish Council.

O. Foreign diving standards—United Kingdom, France, Canada, Australia.

P. Report on the International Diving Symposium (Belle Chasse, La.)—1/75.

Q. Report on the International Diving Symposium (New Orleans, La.)—1/76.

R. Marine Technical Society Journal (Vol. 6—No. 1)—1/7/72.

S. Miscellaneous technical papers related to diving.

T. Miscellaneous newspaper and magazine clippings related to diving.

Accordingly, pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 1599, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by adding a new Subpart T as set forth below.

Subpart T shall become effective on July 15, 1976.

1. Part 1910 is amended by adding the following Subpart to the table of contents.

Subpart T—Diving Operations

GENERAL

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1910.401 Scope and application.
1910.402 Definitions.
1910.403 Effective date.

PERSONNEL REQUIREMENTS

1910.410 Personnel qualifications.
1910.411 Medical requirements.

OPERATIONS PROCEDURES

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DIVING EQUIPMENT AND SYSTEMS

1910.430 General.
1910.431 Helmets and masks.
1910.432 Dry suits (variable volume).
1910.433 Gas supply hoses.
1910.434 Air compressors and systems for respirable air.
1910.435 Human occupancy pressure vessels (HOPV).
1910.436 Depth gauges.
1910.437 Compressed gas equipment (except SCUBA cylinders).
1910.438 Equipment log.

RECORDKEEPING REQUIREMENTS

1910.440 Recording and reporting.
1910.441 Availability of records.

2. Subpart T is added as follows:

Subpart T—Diving Operations

GENERAL

§ 1910.401 Scope and application.

(a) This subpart applies to every place of employment within the inland and territorial waters of the United States, or within any State, the District of Columbia, the Commonwealth of Puerto

Rico, the Virgin Islands, American Samoa, Guam, The Trust Territory of the Pacific Islands, Wake Island, Johnston Island, the Canal Zone, or within the Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U.S.C. 1331), where diving and related operations are carried out, except that this subpart will not apply to working conditions with respect to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(b) This subpart applies to diving and related operations conducted in connection with all types of work and all employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring.

(c) This subpart requires employers engaged in diving operations to be responsible for:

(1) Ensuring that all employees engaged in diving operations are competent to perform their work assignments in a safe and healthful manner, as provided in §§ 1910.410 and 1910.411;

(2) Developing, maintaining and complying with a safe practices manual, as provided in § 1910.420;

(3) Following safe and healthful operations procedures, as provided in §§ 1910.421 and 1910.422;

(4) Ensuring the use of appropriate tools, equipment and systems as provided in §§ 1910.430–1910.438; and

(5) Recording and reporting job-related fatalities and serious illnesses, injuries and accidents, and making all required records available to the Assistant Secretary for Occupational Safety and Health, in accordance with §§ 1910.440 and 1910.441.

§ 1910.402 Definitions.

As used in this subpart, the listed terms are defined as follows:

"Anti-suction devise": a device to prevent suction injury, which is used on the internal exhaust outlet of a human occupancy pressure vessel (HOPV); examples are a pipe nipple in which holes have been drilled or a wire cage.

"Bell diving": a mode of diving using a diving bell.

"Blowout": Uncontrolled loss of gas or liquid from a wellhead.

"Bottom time": the period of time between the beginning of descent to the bottom (working level) and the beginning of ascent from the bottom (working level).

"Breathing mixture": a mixture of gases and/or air breathed by a diver, containing an appropriate proportion of oxygen.

"Bursting pressure": the pressure exerted by a medium such as a breathing mixture at which the containment vessel theoretically fails structurally.

"Decompression": the controlled continuous reduction of environmental pressure to any intermediate depth level or to atmospheric pressure.

"Decompression chamber": a HOPV used to decompress divers by reducing pressure under safe and controlled conditions; it may also be used in the treatment of decompression sickness by recompression.

"Decompression table (protocol)": a time profile of pressure and breathing gas which reduces the pressure on the diver in a manner intended to prevent decompression sickness.

"Diver": an employee who uses equipment underwater which supplies compressed breathing gas from a self-contained source or remote source, enabling him to breathe under water at ambient pressure.

"Diving bell": a device which allows the diver to be transported to and from the underwater work site in an enclosed, dry compartment. The bell may have an open bottom, or it may be sealed.

"Dry suit (variable volume)": a diving suit capable of being inflated for buoyancy or insulation, which keeps the diver's body essentially dry. A "wet suit", in contrast, allows water to contact the diver's body.

"Employer": a person engaged in a business affecting commerce who has employees, but not including the United States or any State or political subdivision of a State. See 29 CFR Part 1975.

"Exhaust valve": a valve controlling the venting of gas from a HOPV, diver's helmet, or suit.

"FSW": a foot of sea water; a unit of pressure generally defined as $\frac{1}{33}$ of a standard atmosphere, which represents the pressure exerted by a foot of water having a specific gravity of 1.027.

"Hard piping": permanent or semi-permanent, rigid piping, as distinguished from temporary, flexible hoses.

"Helmet (open-circuit and/or surface-supplied)": breathing and protective equipment which covers the diver's head.

"HOPV": Human Occupancy Pressure Vessel. A pressure vessel which, in normal operation, is intended to contain a human being.

"Life-support equipment": equipment designed to provide an appropriate respirable atmosphere and other protection, e.g., thermal, as required.

"Live-boating": the practice of supporting a diver from a vessel which is underway.

"Mask (open circuit and/or surface-supplied)": breathing and protective equipment which covers a diver's face.

"Mixed-gas diving": a diving mode in which the diver is supplied with a gas mixture other than air.

"No-decompression diving": diving which involves depths and times shallow and short enough so that controlled ascent can be made without stops or stages.

"Non-return valve": a one-way check valve installed at the point where the hose attaches to the diver's helmet, designed to prevent the loss of helmet breathing mixture or to prevent a suction should the hose be cut or the gas supply fail.

"Oxygen cleaning": special cleaning precautions that must be taken to ensure that oxygen under pressure does not ignite flammables on contact.

"Oxygen compatibility": the ability to come into contact with high pressure oxygen without oxidation occurring.

"Pneumofathometer": a device for measuring depth by slowly forcing air or gas through a tube from the surface to the site to be measured. The pressure required to force gas to the end of the tube is the pressure exerted on the outlet of the tube.

"Receiver": a pressure vessel for the storage of gases (except SCUBA cylinders).

"Repetitive dive": a dive where the decompression requirement is increased by a preceding dive or dives.

"Saturation diving": a mode of diving in which the diver's body is essentially saturated with inert gas; additional time spent at pressure does not therefore result in additional uptake of gas nor require an increase in decompression time.

"SCUBA": self-contained underwater breathing apparatus. See self-contained diving.

"Self-contained diving": a diving mode which allows the diver to carry his own breathing gas supply and be independent of the surface with regard to breathing gas.

"Stage decompression": the controlled reduction of environmental pressure with programmed stops at various depths.

"Standby diver": a diver suited and ready to go to the aid of another diver.

"Surface-supplied diving": a mode of diving in which the diver receives breathing gas by hose from the surface.

"Working pressure": the normal operating pressure exerted by a medium such as a breathing mixture. The ratio of the bursting pressure to the working pressure is the factor of safety.

§ 1910.403 Effective date.

This subpart is effective July 15, 1976.

Personnel Requirements

§ 1910.410 Personnel qualifications.

(a) *General.* Each employer engaged in diving operations shall ensure that all employees engaged as divers or in surface support operations are competent to perform their work assignments in a safe and healthful manner, in accordance with the provisions of this subpart.

(b) *Employee competence.* Employee competence, which must be ensured by the employer, shall include at least the following:

(1) Knowledge and skills in diving gained through training or experience, including among other things knowledge of:

(i) Diving procedures and techniques,

(ii) Emergency procedures,

(iii) Physiology as it relates to diving, and

(iv) Diving equipment;

(2) Familiarity with procedures and proficiency in the use of tools, equipment and devices relevant to the assigned tasks; and

(3) For employees engaged as divers, physical qualifications for such activities,

as determined in accordance with the requirements of § 1910.411.

(c) *Competence training.* Where an employee does not possess competence in the safe use of a tool, equipment, or device, or knowledge of diving procedures and techniques as required by this section, the employer shall require the employee to undergo appropriate training or shall assign another employee who possesses necessary competence.

§ 1910.411 Medical requirements.

(a) *General requirements.* Every employer shall provide or make available at no cost to the employee the services of a licensed physician to perform medical examinations, as required by this section, for all employees engaged as divers, so as to establish the employee's physical qualifications to perform the assigned tasks.

(b) *Information provided to the examing physician.* The employer shall provide the following information to the examining physician:

(1) A copy of this subpart.

(2) A description of the affected employee's duties for which he is being examined, and of the physical demands placed upon the employee by said duties.

(3) Upon request of the physician, information from previous reports of physicians concerning the affected employee.

(c) *Initial examination.* (1) Within 30 days after the effective date of this subpart, all employees engaged as divers shall be provided an initial medical examination, except as described in paragraph (c)(2) of this section, which shall include the following:

(i) A complete work history;

(ii) All the tests listed in Table I; and

(iii) Any additional tests deemed necessary by the examining physician to prepare the written report required by paragraph (f) of this section.

(2) If an employee can show, to the satisfaction of the employer after consultation with the examining physician, that within one year prior to the effective date of this subpart, he has had a comprehensive medical examination comparable to the examination required by this section, and that the results of this examination did not indicate the presence of any of the conditions listed in paragraphs (f)(1)(ii) or (h) of this section, no initial examination is required, unless there is reason to believe that the employee's medical condition has changed in the interim. In any event, at the termination of one year from the date of his comparable medical examination, such employee shall be given an initial medical examination as required in paragraph (c)(1) of this section.

(d) *Re-examination after injury or illness.* Following an injury or illness to a diver requiring 72 hours or more hospitalization, or requiring treatment by an attending physician for a period of at least 5 days, or involving decompression sickness with vestibular or central nervous system dysfunction, the employer shall provide or make available, at no cost to the employee, a medical examination. The employee shall not be permitted to return to work as a diver until, based on the physician's report, he is physically fit to do so. The examining physician shall determine the scope of the examination in light of the nature of the injury or illness.

TABLE I—MEDICAL TESTS FOR DIVING

Tests	*Comments*
History and physical	Include predisposition to unconsciousness, vomiting, cardiac arrest, impairment of oxygen transport, serious blood loss, or anything which, in the opinion of the examining physician, will interfere with effective underwater work.
Chest X-ray	PA (Projection: 14 by 17).
Bone and joint X-ray	Required only for divers involved in decompression dives. British Medical Research Council techniques and interpretation recommended. (See app. B.)
EKG: STD (12L)	Baseline.
EKG: Stress	
Pulmonary function	Required only if medically indicated. Proved and mechanical capacity calculated for: FEV (forced expiratory reserve volume); FVC (forced vital capacity); and MEFR (maximum expiratory flow rate).
Audiogram	In accordance with American National Standard Specifications for Audiometers, ANSI S3.6–1969(R1973).
Dry chamber	Required only for divers involved in decompression dives, if medically indicated. The test is as follows: The diver is taken to 165 FSW (6 ATA) in a chamber to test his ability to withstand pressure and to clear his ears.
EEG	Required only if medically indicated.
Visual acuity and color blindness.	
Complete blood count	
Routine urinalysis	

(e) *Alternative medical examinations.* If the examining physician determines that medical examinations and tests other than those specified in this section and Table I would be at least equally effective in determining a diver's physical qualifications, the employer may accept such medical examinations and tests, provided that the employer obtains a statement from the physician setting forth the alternative examination and the rationale for substitution and informs each affected employee of the fact that such alternative examination will be made available.

(f) *Physician's written report.* (1) With respect to each medical examination required by this section, the employer shall obtain a written report from the examining physician, containing the following information:

(i) A statement indicating the results of the medical examinations and tests given in accordance with this section;

(ii) An opinion, based on the employee's medical history and the results of the tests required in Table I, as to whether exposure to the physical demands placed upon the employee by the duties in which he will be engaged would result in any of the following:

(A) Increased risk of material impairment of the employee's health;

(B) Excessive stress to the pulmonary, muscular, cardiac, and skeletal systems;

(C) Interference with the effective external communication of the gas-containing organs of the body;

(D) Excessive burden on the central and peripheral nervous system; or

(E) Aggravation of any existing radiological evidence of aseptic bone necrosis;

(iii) An opinion as to whether the employee, on the basis of his medical history and the results of the examination and required tests, has any of the conditions listed in paragraph (h) of this section;

(iv) Any recommended limitations upon the employee's activities as a diver; and

(v) A statement that the employee has been informed by the examining physician of any medical conditions which require further examination or treatment.

(2) The written report shall not reveal specific findings or diagnoses unrelated to occupational exposure to the underwater environment.

(3) A copy of the physician's written report shall be provided to the employee. In addition, any materials in the employee's medical file pertaining to the medical examination required by this section shall be made available to the employee or former employee examined, upon written request by the employee or his representatives.

(g) *Withdrawal of employee.* The employer shall determine, on the basis of the physician's written report or any opinions by a consulting physician, whether an employee's health would be materially impaired, in any manner indicated in paragraph (f)(1) of this section, by continued diving, or whether there are necessary limitations on the employee's activities as a diver. If indicated by the determination, the employer shall withdraw the employee from such exposure or shall appropriately limit the employee's activity.

(h) *Disqualifying conditions.* If an employee has any of the following conditions, as found by the examining physician, the employer shall withdraw the employee from diving:

(1) History of epileptiform disease or syncopal attacks;

(2) Cystic or obstructive disease of lungs;

(3) Chronic inability to equalize sinus and middle ear pressure;

(4) Significant central nervous system disease;

(5) Significant joint disorders of the shoulder, hip, or knee;

(6) Significant cardiac abnormalities; e.g., pathological heart block, valvular disease, interventricular septal defects etc.; and

(7) Chronic alcoholism.

(i) *Medical recordkeeping.* The employer shall establish and maintain an accurate medical record for each employee subject to the medical requirements of this section.

(1) The record shall include:

(i) Physician's written reports; and

(ii) A copy of the information provided to the physician as required by paragraph (b) of this section.

(2) This record shall be maintained by the employer for at least 5 years and shall be made available as provided in § 1910.441.

(3) Upon request by the employee or former employee, the employer shall transfer the employee's medical record or a copy thereof to a physician designated by the employee or former employee or to another employer.

OPERATIONS PROCEDURES

§ 1910.420 Safe practices manual.

(a) *General.* (1) Each employer engaged in diving operations shall develop and maintain a safe practices manual and shall follow the procedures set out in such manual for all diving operations.

(2) The manual shall specifically incorporate and be in accordance with the requirements of this subpart, and shall be developed so as to provide for the safety and health of employees involved in diving operations.

(b) *Content.* (1) The manual shall contain comprehensive safety and health requirements for each type of diving operation engaged in by the employer.

(2) These requirements shall include provisions for:

(i) The assignment of competent employees, to enable the operation to be performed without jeopardy to the safety and health of the employees involved;

(ii) General and specific operations procedures which shall incorporate and be consistent with applicable procedures contained in this subpart;

(iii) The use of appropriate tools, equipment and systems, which shall comply with the requirements of §§ 1910.430–1910.438;

(iv) Fire, emergency and evacuation procedures in accordance with paragraph (d) of § 1910.421, and for the rescue or retrieval of manned HOPV's in accordance with paragraphs (c) and (e) of § 1910.422.

(c) *Availability.* The manual shall be readily available at the work site, shall be provided to all employees involved in diving operations, and shall be made available, upon request, to the Assistant Secretary or his designee.

§ 1910.421 General operations procedures.

(a) *General.* All diving operations shall comply with the operations procedures contained in this section. These procedures shall, in accordance with § 1910.420, be included in the safe practices manual.

(b) *Emergency aid.* (1) The employer shall develop and maintain a list of the available sources of emergency aid, equipment, and professional assistance, with their call or phone numbers, and instructions for establishing contact with them. The list shall be available at the work site, at the employer's principal place of business and at the field operations offices. This list shall include, at least, the following forms of emergency aid as appropriate for the type of diving operations engaged in:

(i) Decompression chamber;

(ii) Hospital or medical treatment facility;

(iii) Air transportation;

(iv) Consulting physician; and

(v) U.S. Coast Guard Search and Rescue Unit.

(2) Two-way communications, necessary to the requisition of the emergency aid, equipment, and professional assistance listed in paragraph (b)(1) of this section, shall be available or accessible to the work site.

(c) *First-aid.* (1) First-aid supplies, approved by a consulting physician, including a copy of the *American Red Cross Advance First-Aid Manual*, shall be readily available at the work site.

(2) A mechanical or automatic oxygen resuscitator, with sufficient oxygen supply and in proper working order, shall be ready for immediate use at the work site.

(3) In the absence of a physician at the work site, an employee who has a valid certificate in first-aid training from the American Red Cross, or equivalent training, including training in the use of an oxygen resuscitator, shall be available at the work site to render first-aid.

(d) *Fire and emergency procedures—*(1) *Fire fighting equipment.* Fire fighting equipment shall be available and ready for use at the work site whenever sources of ignition and flammable or combustible materials are present.

(2) *Emergency procedures plan.* (1) The employer shall establish and comply with an emergency procedures plan, which shall include steps to be taken in case any of the following emergencies occur during the dive, including the decompression interval:

(i) Loss of voice communications;

(ii) Interruption of the surface gas supply;

(iii) Parting of the diver's life support hose bundle (umbilical);

(iv) Diver entanglement or entrapment;

(v) Oxygen poisoning;

(vi) Decompression sickness;

(vii) Unplanned positive buoyant ascent (blowup);

(viii) Physical injury; or

(ix) Acute illness.

(3) *Fire and emergency evacuations.* The employer shall ensure that prior to commencing diving operations at the work site, all members of the diving team are familiar with the emergency procedures including emergency evacuation procedures, the fire fighting procedures, and the emergency station assignments.

(4) The emergency procedures plan shall be included in the safe practices manual required by § 1910.420.

(e) *Hazards to diving operations.* (1) The employer shall notify those in the vicinity whose activities may interfere with or pose a hazard to the diving operations, such as underwater blasting or movement of surface vessels, of the planned diving operation and daily start and finish times.

(2) Whenever hazardous activities in the vicinity of the diving operations, or whenever conditions, such as weather or sea-state, are such that they may interfere with the ability of an employee to perform safely underwater or impair his health, the employer, after consultation with the affected employee, shall not allow such employee to dive for the duration of such hazardous activity or adverse condition.

(f) *Temporary impairments.* The employer shall ensure that no employee dive for the duration of a temporary physical impairment such as a cold, alcoholic intoxication or its after effects, influence of drugs, respiratory or middle ear disease, skin or external ear infection, excessive fatigue or emotional distress, even if not an injury or illness described in § 1910.412(d), if the impairment is likely to materially interfere with the employee's ability to perform safely underwater, or impair his health. The employer shall consult with the affected employee before making such determination and in no event shall require an employee to dive against the employee's will.

(g) *Inspection of tools, equipment and operational systems.* (1) The employer shall ensure that all tools, equipment, and operational systems used in diving operations are appropriate, in proper working order, and in compliance with §§ 1910.430–1910.438.

(2) Tools, equipment, and operational systems used in diving operations shall be inspected at the commencement of each day's diving operations, and monitored throughout the operations, by the person immediately in charge of the diving operation in which they will be used.

(3) The employer shall ensure that each employee engaged as a diver in the diving operation shall inspect the equipment and tools to be used personally by him.

(h) *Pre-dive instructions.* (1) Prior to commencing and engaging in each diving operation, the employer shall instruct each employee involved as to the details of the procedures to be followed in the operation, and as to appropriate fire and emergency procedures.

(2) For each diving operation varying from or supplementing the personnel, procedures, tools, equipment and systems or emergency requirements described in

the safe practices manual, the employer shall give specific instructions covering the additional information necessary to ensure safety and health. Where known to the employer sufficiently in advance of the diving operation, the essential information shall be reduced to writing and a copy shall be given to affected employees.

(i) *Means for entering and leaving the water.* The employer shall provide safe means for entering the water from the diving platform and for leaving the water for employees engaged as divers and for the rescue of the surface support personnel in the event they fall into the water.

(j) *Human occupancy pressure vessel (HOPV).* A HOPV, specifically a decompression chamber, shall be available and ready for use at the work site, for any dive in which stage decompression in excess of 30 minutes is involved.

(k) *Thermal exposure.* Special precautions shall be taken by the employer to protect any employee from adverse thermal exposure while engaged in diving.

(l) *Standby diver.* A qualified standby diver shall be suited and ready to reach a diver in the water within 5 minutes, whenever dives are made in excess of 100 FSW requiring stage decompression, or in shallower depths when warranted by the nature of the work or exposure. Two divers in the water working together shall be considered as meeting this requirement.

(m) *Underwater hazardous conditions.* (1) Whenever a diver enters any structure, tunnel, wreck, pipe, or other similarly restricted area underwater, a standby diver shall be available at the point of entry to tend the diver who is within the restricted area.

(2) Special precautions shall be taken by the employer to protect any employee diving in the vicinity of underwater suction hazards, such as sluices, major inflow/outflow pipes and the like.

(n) *Warning display.* In addition to any other warning signals used, the following warning signals shall be displayed at the diving operation site, so as to be visible for 360 degrees around the horizon during daylight operations:

(1) Where diving is done from any vessel in international waters, a rigid replica of the international flag "A" (white and blue pennant), not less than one meter in height.

(2) Where diving is done from any other worksite, the American dive flag. This flag shall be square and have a red field with a white diagonal stripe from the upper hoist to the lower fly. The width of the diagonal stripe shall be one-fourth of the length of the flag's side. Stiffening shall be used if necessary to ensure all around visibility. Where diving takes place from vessels and waterborne platforms less than 65 feet in length, the flag shall be at least 0.6 meter square. Where diving takes place from other platforms, including fixed structures such as piers, the flag shall be one meter square.

(o) *Reserve breathing gas supply.* A reserve breathing gas supply shall be provided for each diver engaged in a diving operation requiring stage decompression. The supply shall be sufficient for life support until the diver can be safely returned to a place of refuge or to the surface.

(p) *Decompression protocols.* Appropriate decompression protocols, including decompression schedules or tables which are devised in accordance with tested physiological criteria, shall be adhered to. The protocols shall be used only for the diving operations for which they were designed. These decompression protocols shall be included in the safe practices manual and available at the dive site.

(q) *Communications.* An operating, 2-way audio comunications system shall be provided for communications between the diver and the surface (tender), except as permitted by paragraph (a)(1) of § 1910.422.

(r) *Diver's personal equipment.* A sharp knife shall be carried by all divers while in the water.

(s) *Employer's record of dives.* (1) The employer shall make and maintain a record of information concerning each diving exposure to which each diver is subjected. The record shall contain the following:

(i) Name and address of the employer;

(ii) Location and date of diving operation;

(iii) Names of divers, tenders, and person immediately in charge of the diving operation;

(iv) Depth of dive;

(v) Bottom time;

(vi) Type of equipment used;

(vii) Estimated environmental conditions (sea state, underwater visibility, water temperature, and underwater currents);

(viii) Decompression schedule used;

(ix) Gas used and composition;

(x) Type of work performed;

(xi) Type of diving equipment worn;

(xii) Any unusual conditions (other than environmental); and

(xiii) Repetitive dive designations, or time of last pressure exposure.

(2) For a diving operation involving more than one diver, where the exposures are uniform, a single record applicable to all divers is sufficient. Where the exposure of any diver varies in any respect, a separate record of these variations shall be kept.

(3) These records shall be maintained by the employer for at least 5 years.

§ 1910.422 Specific operations procedures.

In addition to the general operations procedures required by § 1910.421, employers engaged in diving operations shall comply with the following specific operations procedures contained in this section.

(a) *Self-contained diving.* (1) The communications required by paragraph (q) of § 1910.421 need not be provided for an employee engaged in a self-contained diving operation who is accompanied by another diver (buddy), or who can communicate with the surface tender through a safety line using pull signals.

(2) The planned time of a self-contained diving operation, including decompression time, shall not exceed the air supply duration of the cylinders (without regard to the reserve emergency cylinders).

(3) The cylinder pressure shall be determined immediately before each dive.

(b) *Surface-supplied diving.* (1) The employer shall assign a sufficient number of employees to each diving operation to ensure the safety and health of the employees engaged as divers and to make possible effective response in case of an emergency.

(2) The depth of each dive shall be determined prior to the start of operations.

(c) *Saturation diving.* The employer shall develop and include in the safe practices manual an evacuation plan for saturation diving, for rescue or retrieval of all manned HOPV's in such emergencies as:

(1) Storms or blowouts, requiring evacuation of the work site (work platform); or

(2) After loss of power which affects the ability to maintain life support systems.

(d) *Mixed-gas diving.* (1) The breathing mixture shall be composed of a mixture of gases that is physiologically appropriate for the depth and duration of the dive.

(2) Air shall not be used as the breathing mixture for dives in excess of 220 FSW. Dives between 190 FSW and 220 FSW on air shall be limited to 10 minutes bottom time.

(e) *Bell diving.* (1) A minimum of 2 divers shall be used for all dives where a closed diving bell is used.

(2) The employer shall develop and include in the safe practices manual an evacuation plan for rescue or retrieval of the bell in case of an emergency requiring rescue. A standby diver shall be on site to attend the bell at the surface in an emergency.

(3) (i) Open or closed bells shall be provided and used for al dives of 220 FSW and deeper, and for all dives which require more than 120 minutes of in-water decompression time.

(ii) Closed bells shall be provided and used for all dives of 300 FSW and deeper.

(f) *Live-boating.* (1) When live-boating, a protective device shall be installed to prevent the hose from becoming entangled in the propeller.

(2) The employer shall ensure that divers engaged in the live-boating operation carry a reserve breathing gas supply.

(3) A standby diver shall be available, in accordance with paragraph (l) of § 1910.421, for all live-boating operations.

Diving Equipment and Systems

§ 1910.430 General.

Employers engaged in diving operations shall ensure the use of tools, equipment and systems which comply with the requirements of this subpart.

§ 1910.431 Helmets and masks.

(a) *General.* (1) All open-circuit helmets and masks (except oral-nasal)

shall be capable of ventilating at least 4.5 cubic feet per minute (cfm) of gas when supplied at the pressure recommended by the manufacturer of the equipment.

(2) An operating, 2-way, audio-communication system shall be incorporated into all helmets and masks used for diving operations. This requirement need not be met in the case of a SCUBA diver (self-contained diver) who is accompanied by another diver (buddy), or can communicate with the surface tender through a safety line using pull signals.

(b) *Surface-supplied helmets and masks.* (1) All surface-supplied helmets and masks shall be equipped with non-return valves.

(2) Surface-supplied helmets and masks used in salt water shall be made of materials resistant to corrosion from salt water.

(3) Surface-supplied helmets and masks shall seal readily and positively and be capable of ventilating at least 4.5 cfm of gas when supplied at the pressure recommended by the manufacturer of the equipment, as provided in paragraph (a) (1) of this section.

§ 1910.432 Dry suits (variable volume).

Dry suits or similar buoyancy changing equipment shall be equipped with exhaust valves to minimize the possibility of blowup.

§ 1910.433 Gas supply hoses.

(a) *Rating of gas supply hoses.* (1) Gas supply hoses shall have a rated bursting pressure of at least 4 times greater than their maximum working pressure.

(2) In no case shall the working pressure be less than the maximum depth of the dive (converted to pounds per square inch (psi)) plus 100 psi.

(b) *Properties of gas supply hoses.* Hoses shall be kink resistant and capable of the required flow rates for the system used.

(c) *Testing of gas supply hoses and fittings.* (1) Gas supply hoses and fittings shall be tested at least annually to twice their maximum working pressure plus 100 psi. In addition, such testing shall be done after each exposure to rough usage, or unusual conditions.

(2) Information concerning the tests performed on gas supply hoses and fittings shall be entered in the equipment log in accordance with the requirements of § 1910.438.

(d) *Marking of gas supply hoses.* (1) All hoses shall be marked in 10 ft. increments starting at the diver's end, up to 50 ft., and at 50 ft. increments thereafter, to enable the tender to determine how much hose is payed out.

(2) Hoses shall not be used for determining depth. A pneumofathometer or similarly reliable and accurate method shall be used instead.

(e) *Resistance of hose fittings to salt water.* All hose fittings used in salt water service shall be made of materials resistant to corrosion in such a medium, such as brass, stainless steel, monel or other material equally resistant to corrosion.

(f) *Design of hose fittings.* The connections of all hose fittings shall be of a type that cannot be accidentally disengaged from the compressor or gas system.

(g) *Protection of hoses.* All gas supply hoses shall be taped, capped or plugged when not in use to prevent foreign matter from entering the hoses.

(h) *Oxygen cleaning of hoses.* When oxygen cleaning is necessary to prevent ignition of ignitable gases or other materials within the hoses with oxygen, when placed into use, the cleaning process shall be described in the equipment log, in accordance with § 1910.438. Steps shall be taken to prevent contamination between the time of cleaning and the use of the equipment.

§ 1910.434 Air compressors and systems for respirable air.

(a) *Volume tanks or receivers.* Volume tanks or receivers manufactured after the effective date of this subpart and used in compressed air systems for respirable air shall comply with the design and construction requirements of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels–1976. Tanks or receivers manufactured before the effective date of this subpart shall be maintained in conformity with the code requirements to which they were built. Tanks or receivers which are subject to U.S. Coast Guard approval procedures, shall be used only if they have such approval. All volume tanks or receivers shall be equipped with a check valve on their inlet side, a pressure gauge, and a relief valve set so as to prevent pressure buildup in excess of the maximum working pressure.

(b) *Recording of maintenance and repairs performed.* An entry shall be made in the equipment log, in accordance with § 1910.438, of all maintenance and repairs performed on the compressors and the air systems. These entries shall include such information as belt or oil changes on the compressor, any engine maintenance or repairs performed, or any other change or repair to any part of the air system, such as a filter change.

(c) *Air purity requirements.* Air supplied as a breathing mixture to a diver shall not contain a level of carbon monoxide greater than 20 parts per million, or a level of carbon dioxide greater than 1,000 parts per million. The air shall be devoid of any noxious or pronounced odor.

(d) *Air compressor intakes.* All air compressor intakes shall be located in an area free of exhaust fumes and other contamination. The air intakes of air compressors permanently installed in an enclosed space shall be piped externally to a source clear of exhaust fumes and other contaminants.

§ 1910.435 Human occupancy pressure vessels (HOPV).

(a) *General HOPV requirements.* Human occupancy pressure vessels manufactured after the effective date of this subpart shall conform to the requirements of ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1976. HOPV's manufactured before the effective date shall be maintained in conformity with the code requirements to which they were built. HOPV's which are subject to U.S. Coast Guard approval procedures shall be used only if they have such approval. They shall be labelled accordingly.

(b) *Oxygen piping on HOPV's.* (1) Hard piping systems, fittings, and tubing carrying pure, high pressure (up to 2500 psi) oxygen shall be made of corrosion resistant metals, such as copper, brass, 300 series stainless steel, or monel.

(2) HOPV internal oxygen outlets shall have non-return valves or shut-off valves.

(3) All shut-off valves used in an oxygen system above 125 psi shall be of the slow-opening type, such as a needle type valve.

(c) *Installed oxygen system.* On HOPV's with installed oxygen decompression systems, a means shall be provided to prevent the oxygen concentration from rising above 25 percent of the atmospheric content. A means shall also be provided to enable a continuous reading of the oxygen concentration when the HOPV is in operation.

(d) *Fire protection.* All HOPV's shall be designed and equipped to eliminate internal combustible materials and sources of ignition to the extent feasible.

(e) *Illumination.* All HOPV's shall be illuminated to permit continuous visual observation of the diver from the exterior.

(f) *Anti-suction device.* An anti-suction device shall be installed inside the HOPV on the exhaust outlet.

(g) *Audio-communication.* An operating, 2-way, audio-communication shall be provided while a HOPV is in operation.

§ 1910.436 Depth gauges.

(a) *Testing and calibration.* (1) Depth gauges shall be deadweight tested or calibrated against a master-reference gauge every six months, or any time there is reason to believe they are not functioning properly. A card or label shall be attached to the gauges showing date of test or calibration.

(2) An entry shall be made in the equipment log, in accordance with § 1910.438, identifying the gauges tested or calibrated and describing the type of testing or calibration performed.

(b) *Installation to allow checking.* Depth gauges shall be so installed as to allow a system check of their accuracy.

§ 1910.437 Compressed gas equipment (except SCUBA cylinders).

(a) *Securing of cylinders.* Compressed gas cylinders shall be stored in a well ventilated area, protected from heat, and secured from falling.

(b) *Protection cap.* Compressed gas cylinders shall have a protection cap over the cylinder neck and valve when not in use.

(c) *Pressure regulator (Oxygen).* Oxygen systems shall employ oxygen compatible pressure regulators to control flow.

§ 1910.438 **Equipment log.**

(a) The employer shall have and maintain an equipment log in which at least the following information shall be entered:

(1) The procedures followed in testing gas supply hoses and fittings and the results of such tests.

(2) The procedures followed in the oxygen cleaning of hoses and the methods and materials used to assure cleanliness. The hoses and fittings used in oxygen service shall be identified by a tagging system or similar method.

(3) The maintenance and repairs to the air compressor and the air system.

(4) The testing and calibration of depth gauges.

(b) For each entry in the equipment log, the equipment or part shall be identified, the nature of the work shall be described, the date on which the work is performed shall be noted, and the individual performing the work shall sign and print his name together with the name and address of the company or employer by whom he is employed.

(c) The equipment log shall be kept by the employer for a period of at least 5 years.

RECORDKEEPING REQUIREMENTS

§ 1910.440 **Recording and reporting.**

(a) *Recording.* The recording of occupational injuries and illnesses by employers shall be in accordance with the requirements of 29 CFR Part 1904.

(b) *Reporting.* (1) The employer shall report to the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor, the occurrence of any of the following employment related accidents, injuries, or illnesses:

(i) Any fatality;

(ii) Any hospitalization of five or more employees;

(iii) Any injury or illness to any diver requiring 72 hours or more hospitalization;

(iv) Any injury or illness to a diver requiring at least 5 days treatment by an attending physician;

(v) Decompression sickness with vestibular or central nervous system dysfunction.

(2) The report shall be made within 48 hours after the occurrence. It may be either oral or in writing, by telephone or telegram. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries or illnesses. The Area Director may require such additional report, in writing or otherwise, as he deems necessary concerning the accident.

§ 1910.441 **Availability of records.**

(a) *Inspection of records.* Upon the request of an authorized representative of the Assistant Secretary for Occupational Safety and Health, the employer shall make available for inspection and copying any manual, written instruction, record, or log that is required to be kept by this subpart.

(b) *Transfer of records.* In the event the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this subpart.

APPENDIX A—MEMORANDUM OF UNDERSTANDING BETWEEN THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR AND THE UNITED STATES COAST GUARD OF THE DEPARTMENT OF TRANSPORTATION

This Memorandum of Understanding is entered into by the Occupational Safety and Health Administration (OSHA), Department of Labor, and the United States Coast Guard (USCG), Department of Transportation.

I. PURPOSE

This Memorandum of Understanding is entered into for the purpose of:

(1) Providing the basis upon which OSHA and the USCG shall cooperate on occupational safety and health matters pertaining to diving operations;

(2) Implementing and enforcing the OSHA Emergency Temporary Standard (ETS) on diving operations, to be published in June 1976, issued pursuant to Section 6(c) of the Occupational Safety and Health Act (the Act), 29 USC 655;

(3) Coordinating logistical support necessary to the proper conduct of ETS regulatory activities;

(4) Providing a procedure for interagency consideration of questions of respective Agency responsibilities which may arise in the course of administering the ETS;

(5) Providing for a tentative joint rulemaking procedure for developing permanent standards (regulations) for diving operations.

II. IMPLEMENTING PROCEDURES

(1) General. a. The Assistant Secretary of Labor for OSHA and the Commandant of the USCG shall each designate one senior official, who shall be responsible for coordinating and effectuating the provisions of this Memorandum.

b. Each Agency shall establish procedures for the dissemination to the other Agency of information and documents pertinent to enforcement of the ETS.

(2) Enforcement of ETS: a. Inspections of work sites involving vessels inspected by the USCG, deepwater ports, and artificial islands and fixed structures on the Outer Continental Shelf, shall be made jointly by personnel from each Agency. Citations issued by OSHA for violations of the ETS, and proceedings on these citations shall be pursuant to the Act and implementing regulations.

b. Accident and complaint investigations shall have priority over general scheduled inspections.

c. Inspection scheduling shall be coordinated between the Agencies by the OSHA area director and the local USCG Officer-in-Charge, Marine Inspection.

d. Inspections of all other work sites covered by the ETS made jointly by compliance officers from each Agency, except where at the determination of the USCG such USCG personnel are not readily available.

e. No advance notification of inspections shall be given to the employer/operator of affected work sites except where notice is necessary to assure the safe arrival and departure of compliance personnel.

(3) Logistics and Support. a. Pursuant to 14 USC 141, the USCG may provide OSHA such logistical and administrative support as may be required to implement the ETS.

b. When access to an offshore worksite is required, the USCG may furnish transportation to compliance personnel. When in the judgment of the U.S. Coast Guard District Commander such resources are not reasonably available because of other Coast Guard missions of higher priority, the OSHA area director may secure transportation from private charter sources.

III. INTERPRETATIONS AND POLICY DEVELOPMENT

(1) Interpretation of Memorandum: a. Each Agency shall interpret its assigned responsibilities in a manner which best achieves the purposes of this Memorandum.

b. In the event a dispute arises concerning interpretation of this Memorandum, the matter shall be brought as soon as possible to the attention of the OSHA regional Administrator and the local USCG District Commander for resolution.

c. If the matter is unable to be solved at the local level, it shall be promptly referred to the designated senior Agency officials, who shall confer and seek mutual resolution.

(2) Policy Cordination: a. A committee composed of three representatives of each Agency shall be established to:

(1) Evaluate regulatory policy of the Agencies with respect to commercial diving;

(2) Review legislative initiatives affecting the scope of this Memorandum, and

(3) Coordinate Agency positions regarding legal issues raised in the course of enforcing or administering the ETS.

IV. PROCEDURE FOR PROMULGATING A PERMANENT STANDARD (REGULATION)

(1) General: a. To the maximum extent possible under existing statutes and regulations, each agency shall cooperate fully with the other to promulgate a final permanent standard (regulation) within six months from the effective date of the ETS.

b. Agency resources and expertise shall be shared and exchanged for the duration of the project.

c. All relevant information and data shall be freely exchanged.

d. Necessary agency clearances and approvals shall be expedited and given priority status.

(2) Conduct of the Rulemaking Procedure: a. If practicable, public activities pursuant to this rulemaking activity shall be conducted under the joint auspices of OSHA and the USCG.

b. To the maximum extent possible, all documents relevant to the conduct of the rulemaking proceedings shall be jointly developed.

c. Public input, including opportunities for hearings and comments shall be maximized and encouraged.

d. In developing and scheduling procedures for the conduct of this rulemaking, each agency shall satisfy its own procedural requirements.

e. Every effort shall be made to obtain a final rule which is mutually satisfactory both as to substantive content and agency jurisdiction.

V. LIMITING PROVISION

This Memorandum of Understanding shall be limited to matters pertaining to occupational safety and health in diving operations.

VI. EFFECTIVE DATE

This Memorandum of Understanding shall take effect simultaneously with the publication of the ETS in the Federal Register, and shall terminate upon the effective date of Coast Guard standards on occupational safety and health matters pertaining to diving operations. This Memorandum may be amended at any time by mutual written agreement of the Agencies and may be terminated by either agency upon thirty days notice.

Dated: June 9, 1976.

O. W. SILER,
Commandant, U.S. Coast Guard, Department of Transportation.

Dated: June 9, 1976.

MORTON CORN,
Assistant Secretary for Occupational Safety and Health, Department of Labor.

APPENDIX B—BRITISH MEDICAL RESEARCH COUNCIL TECHNIQUES

SKELETAL RADIOLOGICAL INVESTIGATION FOR DIVERS

The basic skeletal survey should include views of the head and proximal parts of the shafts of the humerus and femur on each side and projections of each knee including the distal two-thirds of the shaft of the femur and the proximal third of the shaft of the tibia.

The early demonstration of dysbaric osteonecrosis demands high quality radiographs which clearly demonstrate the bone trabeculae. This will require the optimum screen/film combination, an adequate ratio grid and a focal spot size of 1 or 1.2 mm. A smaller size with a high-speed rotating tube should be used if this is available. Gonad protection should always be used. A list of recommended projections and specimen radiographs illustrating these views should be available for the radiographer. Where possible the radiographs should be checked before the patient leaves the X-ray room or Department and preferably this should be done by the radiologist responsible for the interpretation. It is of considerable advantage to have the surveys done in as few centers as possible so that the radiography technicians become closely involved in the work and are fully aware of the problems in interpretation and the need for high quality radiographs.

SHOULDER JOINT

The objective is to obtain a radiograph of the entire articular cortex of the humeral head in unobscured profile. An 18 by 24 cm (10/8) film is recommended. An anteroposterior projection of each shoulder is taken with the patient lying supine and the trunk rotated to bring the scapula on the side to be radiographed flat against the table top. With the arm in the supine position (palm up), pulled down and abducted 10° the beam is centered one inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphragms to show only the head and the proximal third of the shaft of the humerus. This view should show a clear joint space. The patient should hold his breath while the film is exposed.

SHOULDER JOINT WITH ARM IN INTERNAL ROTATION

An 18 by 24 cm (19/18) film is recommended. An anteroposterior projection of each shoulder joint is taken with the patient placed in a supine position and the trunk rotated to bring the scapula on the side to be radiographed flat against the table top. The humeral head is then internally rotated by turning the forearm to the prone position (palm down), with the elbow slightly flexed and the humerus abducted approximately 10°. The beam is centered 1 inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphragms to show only the head and the proximal third of the shaft of the humerus. The patient should hold his breath during the exposure.

HIP JOINT

The objective is to obtain a radiograph demonstrating the head of the femur. To obtain comparable radiographs at serial follow-up, the femoral neck should be in a standard position. A 24 by 30 cm film (10/12) is recommended. A separate antero-posterior projection of each hip joint is taken with the patient placed in a supine position and the foot on the side under investigation kept at 90° to the table top. The beam should be centered over the head of the femur, that is, 1 inch (24.5 mm) below the mid point of the line joining the anterior-superior iliac spine and the mid point of the upper border of the pubic symphysis. The beam should be collimated by bringing in the diaphragms to show only the head, neck and immediate subtrochanteric area of the femoral shaft. The edge of the gonad protector should be as near to the femoral head as possible but not obscuring it.

KNEE JOINT

The object is to ensure a comparable density between the lower two-thirds of the femur and the upper third of the tibia. It is recommended that the kV is lowered, the mA raised and use made of a grid. Two projections are used. A 30 by 40 cm film (15/12) is recommended for both. An antero-posterior projection of each knee is made with the knee extended to include the lower two-thirds of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella.

A lateral projection of each knee joint is made with the patient rotated so that the lateral border of the knee to be examined is against the table. The opposite leg should be positioned so that a line through both anterior-superior iliac spines is at right angles to the table top. In this way the projection of the knee joint is more likely to be a true lateral. The field should include the lower two-thirds of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella.

Should there be doubt in the diagnosis then the following additional views may be of value.

HIP JOINT WITH LEG IN LATERAL POSITION

A 24 by 30 cm (10/12) film is recommended. A lateral projection of the hip joint increases the potential radiation dose to the gonads. However, it may be of value in identifying an early lesion particularly when there is a structural failure with a translucent subcortical band. A separate lateral projection of each hip joint is taken with the patient supine. The knee and hip on the side to be examined are flexed so that the foot is flat on the table top directly opposite the other knee. The thigh is then abducted maximally and the knee supported by a sandbag. The beam is centered over the head of the femur, that is, 1 inch (24.5 mm) below the mid point of the line joining the anterior-superior iliac spine and the upper border of the pubic symphysis. The projection should include the head, neck and immediate subtrochanteric region of the femur.

FURTHER COMMENTS

The gonads must always be protected from ionizing radiation by a lead shield. If this is done, estimation of the radiation dose received by the patient indicates that the basic skeletal survey can be safely repeated at intervals of six months.

It is debatable whether the routine surveys should include the additional projections. However, when doing this type of work, it is not always practical or easy to recall a man for a repeat or extended radiographic examination. In this situation it is worthwhile to include the additional projections as they may help to indicate more clearly whether or not an abnormality is present. When the recall is easy then the survey should be confined to the basic views.

Probably the greatest fault lies in underpenetration of the radiographs. Because of this trabecular detail is not clearly seen and consequently small dense areas close to the joint surface will not be identified. During the process of repair granulation tissue grows from the living bone into the necrotic bone and new bone is laid on the trabeculae causing an overall increase in bone bulk. Therefore, there is more tissue for the X-rays to penetrate and, unless the kilo voltage is increased possibly as much as 10 kV, a pale, underpenetrated radiograph will result. When this happens small dense areas will be identified and this is one of the commonest causes of misinterpretation and failure to identify osteonecrosis. Other difficulties in interpretation arise from malrotation of the shoulder joint resulting in the superior border of the greater tuberosity appearing as a dense layer which could be misinterpreted as osteonecrosis. Further faults will arise from inadequate projection, exposure, etc.

Tomography may be required to improve definition particularly in the femoral head and sometimes in the humeral head where detail is obscured by overlying bone. In general however, good quality radiographs preclude the need for frequent use of tomography.

(Secs. 6(c), 8(c), 84 Stat. 1596, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76; 29 CFR Part 1911).

Signed at Washington, D.C. this 9th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

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federal register

TUESDAY, JUNE 15, 1976



PART IV:

THE PRESIDENT

■

EMERGENCY PREPAREDNESS FUNCTIONS

Executive Order 11921

Executive Order 11921 June 11, 1976

Adjusting Emergency Preparedness Assignments to Organizational and Functional Changes in Federal Departments and Agencies

By virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Reorganization Plan No. 1 of 1973 (87 Stat. 1089), the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), the Defense Production Act of 1950, as amended (50 App. U.S.C. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 App. U.S.C. 2251 *et seq.*), Executive Order No. 11490 of October 28, 1969, is hereby amended as follows:

SECTION 1. The "Table of Contents" is amended as follows: (a) In Part 6, delete "Post Office Department" and substitute therefor "United States Postal Service".

(b) After Part 15 insert "15A Environmental Protection Agency.".

(c) After Part 22 insert "22A National Credit Union Administration.".

(d) After Part 28 insert "28A United States Information Agency.".

SEC. 2. The phrase "the Office of Emergency Preparedness" is deleted wherever it occurs, and in its place is inserted the phrase "the Federal Preparedness Agency (GSA)".

SEC. 3. At the end of Section 102(a) add a new sentence as follows:

"The activities undertaken by the departments and agencies pursuant to this order, except as provided in Section 3003, shall be in accordance with guidance provided by, and subject to evaluation by, the Administrator of General Services who has established within the General Services Administration a subordinate agency, the Federal Preparedness Agency, to assume those functions of the former Office of Emergency Preparedness transferred to the Administrator of General Services by Section 3 of Executive Order No. 11725 of June 27, 1973.".

SEC. 4. Amend Section 301(13) to read as follows:

"(13) administration of customs laws, tax laws, the laws on control of alcohol, alcoholic beverages, tobacco, and firearms, and Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40);".

SEC. 5. (a) In Section 401(27) delete the phrase "Management (OEP)" and substitute therefor "Policy (35 FR 6421)".

(b) Add a new Section 401(28) as follows:

"(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.".

(c) Add a new Section 401(29) as follows:

"(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.".

(d) Add a new Section 401(30) as follows:

"(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.".

SEC. 6. (a) Amend the title of Part 6 to read "Part 6—United States Postal Service".

(b) In Section 601(1), delete the phrase "Post Office activities" and substitute therefor "Postal Service activities"; and delete the phrase "Post Office Department" and substitute therefor "United States Postal Service".

(c) Delete Section 601(2)(d) and renumber 601(2)(e) as Section 601(2)(d).

SEC. 7. (a) Amend Section 702(6) to read as follows:

"(6) "Water" means all usable waters, from all sources, within the jurisdiction of the United States, which can be managed, controlled and allocated to meet emergency requirements.".

(b) Amend Section 703(3) to read as follows:

"(3) *Water.* Develop overall plans for the management, control, and allocation of the water resources of the nation in an emergency. Establish a system of priorities for the use of water in periods of emergency. Coordinate the emergency water planning efforts of those departments and agencies having specific statutory or delegated water responsibilities. Coordinate the overall plans with those developed by the Environmental Protection Agency to provide potable water for community needs. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture. Provide national leadership and coordination for the development of Federal emergency plans for the management and allocation of water resources in the national interest during an emergency. Coordinate emergency water resource planning at the State, interstate, and local levels through the appropriate Federal departments and agencies concerned with each area of planning.".

SEC. 8. (a) Amend Section 801(4) to read "(4) defense against hazardous agents (nuclear, biological and chemical) and effects pertaining to agricultural activities; and".

(b) Amend Section 803(2) to read as follows:

"(2) *Stockpiles.* Take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.".

(c) Amend Section 804(2) to read as follows:

"(2) *Nuclear, biological, and chemical hazards protection for agriculture.* Develop, in consonance with overall planning of the Environmental Protection Agency, plans for a national program, direct Federal activities, and furnish technical guid-

ance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops or products thereof; (b) protective measures, treatment and handling of livestock, including poultry or products thereof, which have been exposed to or affected by radiation; and, (c) use of crops, agricultural commodities on farms and ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Develop plans for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from hazardous agents (nuclear, biological and chemical) and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.".

(d) Add a new Section 804(4) as follows:

"(4) Develop, under guidance of the Department of the Interior, plans and programs for water to be used in agricultural production and food processing in an emergency.".

SEC. 9. (a) In Section 901(1), delete the phrase "involving the following:" and substitute therefor "otherwise assigned, including:".

(b) Amend Section 901(1)(h) to read "(h) Construction, use and management of highways, streets, and appurtenant structures; and".

(c) Add a new Section 901(1)(i) as follows: "(i) Domestic distribution of health resources.".

(d) Amend Section 902(3) to read as follows:

"(3) *Industry evaluation.* Identify those industrial products which are essential, or of very great importance, to mobilization readiness, national defense, or postattack survival and recovery; identify the facilities capable of producing the identified products and evaluate the importance of such facilities to the national security.".

(e) Add a new Section 902(6) as follows:

"(6) *Water claimancy.* Develop a system and procedures to provide essential industrial water resource claimancy requirements to the Department of the Interior in an emergency.".

(f) At the end of Section 903(7), add the following new sentence: "Claimancy for resources shall include materials, manpower, equipment, supplies, services, and water.".

(g) Add a new Section 906 as follows:

SEC. 906. *National Oceanic and Atmospheric Administration's National Marine Fisheries Service functions.* Under a redelegation of authority from the Department of Agriculture to the Department of Commerce, the National Oceanic and Atmospheric Administration shall develop overall plans and programs to ensure that the fishing industry continues to produce essential protein. This includes responsibility for priority and allocation functions, acting as claimant agency for critical materials and additional facilities, labor supply, production and processing of fishery products, and the control and protection of fishing vessels.".

SEC. 10. (a) Amend Section 1101 to read as follows:

"Section 1101. *Résumé of Responsibilities.* The Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, and educational programs as defined below.".

(b) Amend Section 1102(1) to read as follows:

"(1) "Emergency health services" means medical and dental care for the civilian population in all of the specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification, and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services, rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to hazardous agents (nuclear, biological and chemical); sanitary aspects of disposal of the dead; and food and milk sanitation. It shall be undestood that health services for the purposes of this order do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication; wholesomeness of meat and meat products, and poultry and poultry products, in establishments under continuous inspection service by the Department of Agriculture; veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Department of Agriculture; livestock; agricultural commodities stored or harvestable on farms and ranches; agricultural lands and water.".

(c) Delete Section 1102(6) and renumber Section 1102(7) as Section 1102(6).

(d) Delete Section 1103(2) and renumber all following subsections.

(e) Delete Section 1106 and renumber Section 1107 as Section 1106.

SEC. 11. (a) Amend Section 1301(3) to read as follows:

"(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity (service, equipment and facilities), or any portion thereof, to meet overall essential civil and military needs;".

(b) Amend Section 1303(1) to read as follows:

"(1) Allocating specifically designated civil air carrier type aircraft to the Civil Reserve Air Fleet (CRAF) and to the War Air Service Program (WASP).".

(c) Amend Section 1303(2) to read as follows:

"(2) Emergency resource management of the National Aviation System, which is the physical complex of civil airmen, aircraft (including air carrier and general aviation aircraft), airports, airspace, airways and facilities and services, regulations, plans, standards, procedures and practices associated with the complex, for emergency management of the National Airspace System, and for control of civil and military air traffic, except as provided in Part 15 herein. In the performance of these responsibilities:

"(a) The Secretary of Transportation, assisted by the Civil Aeronautics Board as appropriate, shall, with respect to WASP and CRAF aircraft, be responsible for the functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003 and and 3005. When CRAF is activated by the Secretary of Defense, the Secretary of Transportation retains the responsibility for the claimancy function for CRAF aircraft.

"(b) The Secretary of Transportation, assisted by the Secretary of Defense, shall, with respect to the CRAF program, specifically when civil air carrier aircraft allocated thereto are withdrawn for use in the program, retain responsibility for claimancy as provided in Section 3001.".

(d) Amend Section 1303(3) to read as follows:

"(3) Emergency resource management of all Federal, State, city, local and other highways, roads, streets, bridges, tunnels, and appurtenant structures, and publicly-owned highway maintenance equipment, including:

"(a) The adaptation, development, construction, reconstruction and maintenance of the nation's highway and street systems to meet emergency requirements; and

"(b) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units concerned to assure efficient and safe utilization of available road space.".

SEC. 12. (a) In Section 1502, amend all before subsection (1) to read as follows:

"Sec. 1502. *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall exercise emergency resource management of the WASP. Except for those functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003, and 3005, which have been reserved to the Secretary of Transportation with assistance from the Civil Aeronautics Board as appropriate. The Civil Aeronautics Board, in exercising emergency resource management of the WASP, shall:".

(b) Add a new Section 1502(6) as follows:

"(6) *Interagency assistance.* Assist the Secretary of Transportation in planning for those responsibilities enumerated in Section 1303(2)(a).".

SEC. 13. Add a new part after Part 15 as follows:

"PART 15A—ENVIRONMENTAL PROTECTION AGENCY

"Section 1550. *Résumé of responsibilities.* The Administrator of the Environmental Protection Agency is responsible for diagnosis of quality problems and hazards in the environment which would impede the survival and recovery efforts of the nation and for developing coordinated Federal plans and fostering State and local plans designed to prevent or minimize the long-term ecological impact of hazardous agents introduced into the environment in an emergency situation, and to assist and coordinate with all primary resource agencies regarding plans to preserve the quality of a resource needed in an emergency.

"Sec. 1551. *Definitions.* As used in this part:

"(1) "Potable water" means drinkable water from all sources required for use in community water supply systems.

"(2) "Hazardous agents" means nuclear, biological, and chemical, or other agents introduced into the environment in an emergency to affect adversely the health of the population and to impede resumption of normal operations of a community or nation.

"Sec. 1552. *Functions.* The Administrator of the Environmental Protection Agency shall:

"(1) Develop, in coordination with the Department of the Interior and other responsible Federal agencies, emergency plans to assure the provision of potable water supplies to meet community needs; develop plans and procedures to safeguard water quality under emergency conditions; and develop emergency programs and procedures designed to assure the availability of materials and equipment for water supply systems.

"(2) Provide guidance on acceptable emergency levels for hazardous agents, and support plans of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment.

"(3) Develop these plans in close coordination with appropriate primary resource and support agencies.".

SEC. 14. Delete "10995" in Section 1802 and substitute therefor "11556".

SEC. 15. Amend Section 1901 to read as follows:

"Section 1901. *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in accordance with current agreements between the Secretary of the Interior and the Chairman of the Federal Power Commission.".

SEC. 16. (a) In Section 2001(12) delete the language after "materials" and substitute therefor:

"in accordance with such guidance as may be provided by the National Security Council and, with respect to the economic and disposal aspects of stockpiling of strategic and critical materials by the Council on Economic Policy.".

(b) Delete "10995" in Section 2002(3) and substitute therefor "11556".

SEC. 17. Add a new part after Part 22 as follows:

"PART 22A—NATIONAL CREDIT UNION ADMINISTRATION

"Section 2250. *Functions.* The Administrator of the National Credit Union Administration shall:

"(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

"(2) *Economic stabilization.* Provide guidance and funds as necessary to credit unions that will contribute to stabilization of the nation's economy by helping to establish and maintain a sound economic base for continuing operations, combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.".

SEC. 18. (a) Amend Section 2301(1) to read as follows:

"(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) being prepared for rapid expansion of the Foundation's current operation as a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions; and (b) developing, in consultation with the Department of Labor, the Selective Service System, and the Department of Defense, plans and procedures to assure the most effective distribution and utilization of the nation's scientific and engineering manpower in an emergency.".

(b) Amend Section 2301(2) to read as follows:

"(2) *Specific functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate non-governmental organizations, the ability to mobilize scientists, in consonance with overall civilian manpower mobilization programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's science education programs for science, mathematics and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as governmental facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and an analysis of hazards to human life in the aftermath of enemy attack; and (d)

prepare to carry on necessary programs for research and for training of scientific manpower.".

SEC. 19. Add a new part after Part 28 as follows:

"PART 28A—UNITED STATES INFORMATION AGENCY

"Section 2850. *Functions.* (a) The Director of the United States Information Agency shall prepare national emergency plans and develop preparedness programs for the continuation of essential emergency foreign information activities. These plans and programs shall be designed to develop a state of readiness which will permit continuing necessary activities under all conditions of national emergency including attack upon the United States.

"(b) The Director shall (1) develop plans for the formulation and execution of foreign information programs utilizing the Agency's overseas posts and all media designed to promote an intelligent understanding abroad of the status of the emergency within the United States and the efforts, policies, activities, needs, and aims of the United States in dealing with the international situation then existing; (2) develop emergency plans and programs, and emergency organizational structures required thereby, as an integral part of the continuing activities of the United States Information Agency on the basis that it will have the responsibility for carrying on such programs during an emergency; (3) provide and maintain the capability necessary for simultaneous direct radio broadcasting in major languages to all areas of the world, and wireless teletype to all United States Embassies; (4) provide advice to the executive branch on foreign opinion, and its implications for United States policies, programs, and official statements; (5) maintain liaison with the information agencies of friendly nations for the purpose of relating the United States Government information programs and facilities to those of such nations; (6) participate in the development of policy with regard to the psychological aspects of defense and develop plans for assisting the appropriate agencies in the execution of psychological operations with special attention to overseas crises short of war; (7) maintain United States Information Service staffs abroad for the conduct of public information for all agencies of the Government, recognizing that in a theater of operations the United States Information Agency would make available to the appropriate Commander all United States citizen personnel on the staff of the Agency, who agree to remain, to serve in support of psychological operations; and (8) lend appropriate support in psychological warfare to the military command in the theater or theaters of active military operations, and provide daily guidance and basic informational materials.

"(c) The Director shall insure development of appropriate plans necessary under this Part and issue emergency instructions required to implement all appropriate plans developed under this Part.".

SEC. 20. (a) Executive Order No. 11522 of April 6, 1970, and Executive Order No. 11746 of November 7, 1973, are hereby superseded.

(b) Section 7 of Executive Order No. 11556 of September 4, 1970, is hereby superseded.

Gerald R. Ford

THE WHITE HOUSE,
June 11, 1976.

[FR Doc.76-17534 Filed 6-11-76;3:43 pm]

EDITORIAL NOTE: Executive Order 11490, as amended by Executive Order 11921 of June 11, 1976, has been reprinted in its entirety for the convenience of the reader.

EXECUTIVE ORDER 11490—ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO FEDERAL DEPARTMENTS AND AGENCIES [AS AMENDED]

SOURCE: The provisions of Executive Order 11490 of Oct. 28, 1969, appear at 34 FR 17567, 3 CFR, 1966–1970 Comp., p. 820, unless otherwise noted.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

WHEREAS this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered as follows—

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PART 1—PURPOSE AND SCOPE

SECTION 101. *Purpose.* This order consolidates the assignment of emergency preparedness functions to various departments and agencies heretofore contained in the 21 Executive orders and 2 Defense

Mobilization orders listed in Section 3015 of this order. Assignments have been adjusted to conform to changes in organization which have occurred subsequent to the issuance of those Executive orders and Defense Mobilization orders.

SEC. 102. *Scope.* (a) This order is concerned with the emergency national planning and preparedness functions of the several departments and agencies of the Federal Government which complement the military readiness planning responsibilities of the Department of Defense; together, these measures provide the basic foundation for our overall national preparedness posture, and are fundamental to our ability to survive. The activities undertaken by the departments and agencies pursuant to this order, except as provided in Section 3003, shall be in accordance with guidance provided by, and subject to evaluation by, the Administrator of General Services who has established within the General Services Administration a subordinate agency, the Federal Preparedness Agency, to assume those functions of the former Office of Emergency Preparedness transferred to the Administrator of General Services by Section 3 of Executive Order 11725 of June 27, 1973.

(b) The departments and agencies of the Federal Government are hereby severally charged with the duty of assuring the continuity of the Federal Government in any national emergency type situation that might confront the nation. To this end, each department and agency with essential functions, whether expressly identified in this order or not, shall develop such plans and take such actions, including but not limited to those specified in this order, as may be necessary to assure that it will be able to perform its essential functions, and continue as a viable part of the Federal Government, during any emergency that might conceivably occur. These include plans for maintaining the continuity of essential functions of the department or agency at the seat of government and elsewhere, through programs concerned with: (1) succession to office; (2) predelegation of emergency authority; (3) safekeeping of essential records; (4) emergency relocation sites supported by communications and required services; (5) emergency action steps; (6) alternate headquarters or command facilities; and (7) protection of Government resources, facilities, and personnel. The continuity of Government activities undertaken by the departments and agencies shall be in accordance with guidance provided by, and subject to evaluation by, the Director of the Federal Preparedness Agency (GSA).

(c) In addition to the activities indicated above, the heads of departments and agencies described in Parts 2 through 29 of this order shall: (1) prepare national emergency plans, develop preparedness programs, and attain an appropriate state of readiness with respect to the functions assigned to them in this order for all conditions of national emergency; (2) give appropriate consideration to emergency preparedness factors in the conduct of the regular functions of their agencies, particularly those functions considered essential in time of emergency, and (3) be prepared to implement, in the event of an emergency, all appropriate plans developed under this order.

[Sec. 102 amended by EO 11921 of June 11, 1976]

SEC. 103. *Presidential Assistance.* The Director of the Federal Preparedness Agency (GSA), in accordance with the provisions of Executive Order No. 11051 of September 27, 1962, shall advise and assist the President in determining national preparedness goals and policies for the performance of functions under this order and in coordinating the performance of such functions with the total national preparedness program.

[Sec. 103 amended by EO 11921 of June 11, 1976]

SEC. 104. *General and Specific Functions.* The functions assigned by Part 30, General Provisions, apply to all departments and agencies having emergency preparedness responsibilities. Specific functions are assigned to departments and agencies covered in Parts 2 through 29.

SEC. 105. Construction. The purpose and legal effect of the assignments contained in this order do not constitute authority to implement the emergency plans prepared pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

PART 2—DEPARTMENT OF STATE

SECTION 201. *Functions.* The Secretary of State shall prepare national emergency plans and develop preparedness programs to permit modification or expansion of the activities of the Department of State and agencies, boards, and commissions under his jurisdiction in order to meet all conditions of national emergency, including attack upon the United States. The Secretary of State shall provide to all other departments and agencies overall foreign policy direction, coordination, and supervision in the formulation and execution of those emergency preparedness activities which have foreign policy implications, affect foreign relations, or depend directly or indirectly, on the policies and capabilities of the Department of State. The Secretary of State shall develop policies, plans, and procedures for carrying out his responsibilities in the conduct of the foreign relations of the United States under conditions of national emergency, including, but not limited to (1) the formulation and implementation, in consultation with the Department of Defense and other appropriate agencies, and the negotiation of contingency and post-emergency plans with our allies and of the intergovernmental agreements and arrangements required by such plans; (2) formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral States; (3) formulation and execution of political strategy toward hostile or enemy States, including the definition of war objectives and the political means for achieving those objectives; (4) maintenance of diplomatic and consular representation abroad; (5) reporting and advising on conditions overseas which bear upon the national emergency; (6) carrying out or proposing economic measures with respect to other nations, including coordination with the export control functions of the Secretary of Commerce; (7) mutual assistance activities such as ascertaining requirements of the civilian economies of other nations, making recommendations to domestic resource agencies for meeting such requirements, and determining the availability of and making arrangements for obtaining foreign resources required by the United States; (8) providing foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs, and determination of the value thereof; (9) protection or evacuation of American citizens and nationals abroad and safeguarding their property; (10) protection and/or control of international organization and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States; (11) documentary control of persons seeking to enter or leave the United States; and (12) regulation and control of exports of items on the munitions list.

PART 3—DEPARTMENT OF THE TREASURY

SECTION 301. *Functions.* The Secretary of the Treasury shall develop policies, plans, and procedures for the performance of emergency functions with respect to (1) stabilization aspects of the monetary, credit, and financial system; (2) stabilization of the dollar in relation to foreign currencies; (3) collection of revenue; (4) regulation of financial institutions; (5) supervision of the Federal depository system; (6) direction of transactions in government securities; (7) tax and debt policies; (8) participation in bilateral and multilateral financial arrangements with foreign governments; (9) regulation of foreign assets in the United States and of foreign financial dealings (in consultation with the Secretaries of State and Commerce); (10) development of procedures for the manufacture and/or

issuance and redemption of securities, stamps, coins, and currency; (11) development of systems for the issuance and payment of Treasury checks; (12) maintenance of the central government accounting and financial reporting system; (13) administration of customs laws, tax laws, the laws on control of alcohol, alcoholic beverages, tobacco, and firearms, and Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40); (14) suppression of counterfeiting and forgery of government securities, stamps, coins, and currency; (15) protection of the President and the Vice President and other designated persons; (16) granting of loans (including participation in or guarantees of loans) for the expansion of capacity, the development of technological processes, or the production of essential material; and (17) to the extent that such functions have not been transferred to the Secretary of Transportation, enforcement of marine inspection and navigation laws.

[Sec. 301(13) amended by EO 11921 of June 11, 1976]

SEC. 302. *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4—DEPARTMENT OF DEFENSE

SECTION 401. *Functions.* In addition to the civil defense functions assigned to the Secretary of Defense by Executive Order No. 10952, the Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnishing quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting requirements for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Federal Preparedness Agency (GSA) in developing a national system of production urgencies.

(4) Advise and assist the Federal Preparedness Agency (GSA) in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Federal Preparedness Agency (GSA).

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed

locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Federal Preparedness Agency (GSA) measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Federal Preparedness Agency (GSA), for purposes of processing applications for defense loans under Title III of the Defense Production Act of 1950, as amended.

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Federal Preparedness Agency (GSA) in the development and review of standards for the strategic location and physicial security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Federal Preparedness Agency (GSA) and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Federal Preparedness Agency (GSA) in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Federal Preparedness Agency (GSA) in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Federal Preparedness Agency (GSA) in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Federal Preparedness Agency (GSA) in (1) determining what key foreign facilities and operating rights thereto are important to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National Censorship Agreement between the Department of Defense and the Federal Preparedness Agency (GSA).

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working in United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Policy (35 FR 6421) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.

(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.

(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.

[Sec. 401 amended by EO 11921 of June 11, 1976]

PART 5—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Federal Preparedness Agency (GSA), maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

[Sec. 501(3) amended by EO 11921 of June 11, 1976]

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions if learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when avail-

able, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

PART 6—UNITED STATES POSTAL SERVICE

SECTION 601. *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Postal Service activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the United States Postal Service.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Federal Preparedness Agency (GSA))

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Civil Service Commission)

(d) Registration of enemy aliens. (Department of Justice)

[Sec. 601 amended by EO 11921 of June 11, 1976]

PART 7—DEPARTMENT OF THE INTERIOR

SECTION 701. *Résumé of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702. *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the

Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means all usable waters, from all sources, within the jurisdiction of the United States, which can be managed, controlled and allocated to meet emergency requirements.

[Sec. 702(6) amended by EO 11921 of June 11, 1976]

SEC. 703. *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop overall plans for the management, control, and allocation of the water resources of the nation in an emergency. Establish a system of priorities for the use of water in periods of emergency. Coordinate the emergency water planning efforts of those departments and agencies having specific statutory or delegated water responsibilities. Coordinate the overall plans with those developed by the Environmental Protection Agency to provide potable water for community needs. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture. Provide national leadership and coordination for the development of Federal emergency plans for the management and allocation of water resources in the national interest during an emergency. Coordinate emergency water resource planning at the State, interstate, and local levels through the appropriate Federal departments and agencies concerned with each area of planning.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

[Sec. 703(3) amended by EO 11921 of June 11, 1976]

PART 8—DEPARTMENT OF AGRICULTURE

SECTION 801. *Résumé of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control; (4) defense against hazardous agents (nuclear, biological and chemical) and effects pertaining to agricultural activities; and (5) rural defense information and education.

[Sec. 801(4) amended by EO 11921 of June 11, 1976]

SEC. 802. *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803. *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* Take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

[Sec. 803(2) amended by EO 11921 of June 11, 1976]

SEC. 804. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Nuclear, biological, and chemical hazards protection for agriculture.* Develop, in consonance with overall planning of the Environmental Protection Agency, plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops or products thereof; (b) protective measures, treatment and handling of livestock, including poultry or products thereof, which have been exposed to or affected by radiation; and, (c) use of crops, agricultural commodities on farms and ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Develop plans for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from hazardous agents (nuclear, biological and chemical) and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilities.

(4) Develop, under guidance of the Department of the Interior, plans and programs for water to be used in agricultural production and food processing in an emergency.

[Sec. 804 amended by EO 11921 of June 11, 1976]

PART 9—DEPARTMENT OF COMMERCE

SECTION 901. *Résumé of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities (except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Atomic Energy Commission), the control of all construction materials, and the furnishing of basic industrial services except those otherwise assigned, including:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Producton, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction, use and management of highways, streets, and appurtenant structures; and

(i) Domestic distribution of health resources.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(a) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between oceangoing vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions, essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capability, including, but not limited to:

(a) Meteorological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968.

[Sec. 901 amended by EO 11921 of June 11, 1976]

SEC. 902. *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify those industrial products which are essential, or of very great importance, to mobilization readiness, national defense, or postattack survival and recovery; identify the facilities capable of producing the identified products and evaluate the importance of such facilities to the national security.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

(6) *Water claimancy.* Develop a system and procedures to provide essential industrial water resource claimancy requirements to the Department of the Interior in an emergency.

[Sec. 902 amended by EO 11921 of June 11, 1976]

SEC. 903. *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities. Claimancy for resources shall include materials, manpower, equipment, supplies, services, and water.

[Sec. 903(7) amended by EO 11921 of June 11, 1976]

SEC. 904. *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of post-attack surveys to provide information on the status of surviving populations and resources as required for the programs of the Federal Preparedness Agency (GSA).

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

[Sec. 904(2) amended by EO 11921 of June 11, 1976]

SEC. 905. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropriate.

SEC. 906. *National Oceanic and Atmospheric Administration's National Marine Fisheries Service functions.* Under a redelegation of authority from the Department of Agriculture to the Department of Commerce, the National Oceanic and Atmospheric Administration shall develop overall plans and programs to ensure that the fishing industry continues to produce essential protein. This includes responsibility for priority and allocation functions, acting as claimant agency for critical materials and additional facilities, labor supply, production and processing of fishery products, and the control and protection of fishing vessels.

[Sec. 906 added by EO 11921 of June 11, 1976]

PART 10—DEPARTMENT OF LABOR

SECTION 1001. *Résumé of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002. *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and, in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1101. *Résumé of Responsibilities.* The Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, and educational programs as defined below.

[Sec. 1101 amended by EO 11921 of June 11, 1976]

SEC. 1102. *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of the specialities and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification, and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services, rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to hazardous agents (nuclear, biological and chemical); sanitary aspects of disposal of the dead; and food and milk sanitation. It shall be understood that health services for the purposes of this order do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication; wholesomeness of meat and meat products, and poultry and poultry products, in establishments under continuous inspection service by the Department of Agriculture; veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Department of Agriculture; livestock; agricultural commodities stored or harvestable on farms and ranches; agricultural lands and water.

(2) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Federal Preparedness Agency (GSA) after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

[Sec. 1102 amended by EO 11921 of June 11, 1976]

SEC. 1103. *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula

of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(3) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(4) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(5) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

[Sec. 1103 amended by EO 11921 of June 11, 1976]

SEC. 1104. *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, and Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare services in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

SEC. 1105. *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program.

SEC. 1106. *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be affected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Department of Defense, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

[Former sec. 1106 revoked and new sec. 1106 redesignated from sec. 1107 by EO 11921 of June 11, 1976]

PART 12—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 1201. *Résumé of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202. *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203. *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair

of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204. *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Federal Preparedness Agency (GSA), develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

[Sec. 1204(2) amended by EO 11921 of June 11, 1976]

SEC. 1205. *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

PART 13—DEPARTMENT OF TRANSPORTATION

SECTION 1301. *Résumé of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership in transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of over-all national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity (service, equipment and facilities), or any portion thereof, to meet overall essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and non-governmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Nation's transportation systems; and

(7) Provisions for port security and safety, for aids to maritime navigation, and for search and rescue and law enforcement over, upon, and under the navigable waters of the United States and the high seas.

[Sec. 1301(3) amended by EO 11921 of June 11, 1976]

SEC. 1302. *Transportation Planning and Coordination Functions.* In carrying out the provisions of Section 1301, the Secretary of Transportation, with assistance and support of other Federal, State and local governmental agencies, and the transport industries, as appropriate, shall:

(1) Obtain, assemble, analyze, and evaluate data on current and projected emergency requirements of all claimants for all forms of civil transportation to meet the needs of the military and of the civil economy, and on current and projected civil transportation resources—of all forms—available to the United States to move passengers or materials in an emergency.

(2) Develop plans and procedures to provide—under emergency conditions—for the collection and analysis of passenger and cargo movement demands as they relate to the capabilities of the various forms of transport, including the periodic assessment of over-all transport resources available to meet emergency requirements.

(3) Conduct a continuing analysis of transportation requirements and capabilities in relation to economic projections for the purpose of initiating actions and/or recommending incentive and/or regulatory programs designed to stimulate government and industry improvement of the structure of the transportation system for use in an emergency.

(4) Develop systems for the control of the movement of passengers and cargo by all forms of transportation, except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, including allocation of resources and assignment of priorities, and develop policies, standards, and procedures for emergency enforcement of these controls.

SEC. 1303. *Departmental Emergency Transportation Preparedness.* Except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, the Secretary of Transportation shall prepare emergency operational plans and programs for, and develop a capability to carry out, the transportation operating responsibilities assigned to the Department, including but not limited to:

(1) Allocating specifically designated civil air carrier type aircraft to the Civil Reserve Air Fleet (CRAF) and to the War Air Service Program (WASP).

(2) Emergency resource management of the National Aviation System, which is the physical complex of civil airmen, aircraft (including air carrier and general aviation aircraft), airports, airspace, airways and facilities and services, regulations, plans, standards, procedures and practices associated with the complex, for emergency management of the National Airspace System, and for control of civil and military air traffic, except as provided in Part 15 herein. In the performance of these responsibilities:

(a) The Secretary of Transportation, assisted by the Civil Aeronautics Board as appropriate, shall, with respect to WASP and CRAF aircraft, be responsible for the functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003 and 3005. When CRAF is activated by the Secretary of Defense, the Secretary of Transportation retains the responsibility for the claimancy function for CRAF aircraft.

(b) The Secretary of Transportation, assisted by the Secretary of Defense, shall, with respect to the CRAF program, specifically when civil air carrier aircraft allocated thereto are withdrawn for use in the program, retain responsibility for claimancy as provided in Section 3001.

(3) Emergency resource management of all Federal, State, city, local and other highways, roads, streets, bridges, tunnels, and appurtenant structures, and publicly-owned highway maintenance equipment, including:

(a) The adaptation, development, construction, reconstruction and maintenance of the nation's highway and street systems to meet emergency requirements; and

(b) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units concerned to assure efficient and safe utilization of available road space.

(4) Emergency plans for urban mass transportation, including:

(a) Providing guidance to urban communities in their emergency mass transportation planning efforts, either directly or through State, regional, or metropolitan agencies;

(b) Coordinating all such emergency planning with the Department of Housing and Urban Development to assure compatibility with emergency plans for all other aspects of urban development;

(c) Maintaining an inventory of urban mass transportation systems.

(5) Maritime safety and law enforcement over, upon, and under the high seas and waters, subject to the jurisdiction of the United States, in the following specific programs:

(a) Safeguarding vessels, harbors, ports, and waterfront facilities from destruction, loss or injury, accidents, or other causes of a similar nature.

(b) Safe passage over, upon, and under the high seas and United States waters through effective and reliable systems of aids to navigation and ocean stations.

(c) Waterborne access to ice-bound locations in furtherance of national economic, scientific, defense, and consumer needs.

(d) Protection of lives, property, natural resources, and national interests through enforcement of Federal law and timely assistance.

(e) Safety of life and property through regulation of commercial vessels, their officers and crew, and administration of maritime safety law.

(f) Knowledge of the sea, its boundaries, and its resources through collection and analysis of data in support of the national interest.

(g) Operational readiness for essential wartime functions.

(6) Planning for the emergency management and operation of the Alaska Railroad, and for the continuity of railroad and petroleum pipeline safety programs.

(7) Planning for the emergency operation and maintenance of the United States-controlled sections of the Saint Lawrence Seaway.

[Sec. 1303 amended by EO 11921 of June 11, 1976]

PART 14—ATOMIC ENERGY COMMISSION

SECTION 1401. *Functions.* The Atomic Energy Commission shall prepare national emergency plans and develop preparedness programs for the continuing conduct of atomic energy activities of the Federal Government. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States and, consistent with applicable provisions of the Atomic Energy Act of 1954, as amended, shall be closely coordinated with the Department

of Defense and the Federal Preparedness Agency (GSA). The Atomic Energy Commission shall:

(1) *Production.* Continue or resume in an emergency essential (a) manufacture, development, and control of nuclear weapons and equipment, except to the extent that the control over such weapons and equipment shall have been transferred to the Department of Defense; (b) development and technology related to reactors; (c) process development and production of feed material, special nuclear materials, and other special products; (d) related raw materials procurement, processing, and development; and (e) repair, maintenance, and construction related to the above.

(2) *Regulation.* Continue or resume in an emergency (a) controlling the possession, use, transfer, import, and export of atomic materials and facilities; and (b) ordering the operation or suspension of licensed facilities, and recapturing from licensees, where necessary, special nuclear materials whether related to military support or civilian activities.

(3) *Public health and safety.* Shut down, where required, in anticipation of an imminent enemy attack on the United States, and maintain under surveillance, all Commission-owned facilities which could otherwise constitute a significant hazard to public health and safety, and insure the development of appropriate emergency plans for nuclear reactors and other nuclear activities licensed by the Commission whether privately-owned or Government-owned.

(4) *Scientific, technical, and public atomic energy information.* Organize, reproduce, and disseminate appropriate public atomic energy information and scientific and technical reports and data relating to nuclear science research, development, engineering, applications, and effects to interested Government agencies, the scientific and technical communities, and approved, friendly, and cooperating foreign nations.

(5) *International atomic energy affairs.* Maintain, in consultation with the Department of State, essential liaison with foreign nations with respect to activities of mutual interest involving atomic energy.

(6) *Health services.* Assist the Department of Health, Education, and Welfare, consistent with the above requirements, in integrating into civilian health programs in an emergency the Commission's remaining health manpower and facilities not required for the performance of the Commission's essential emergency functions.

(7) *Priorities and allocations.* Plan for the administration of any priorities and allocations authority delegated to the Atomic Energy Commission. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Federal Preparedness Agency (GSA).

[Sec. 1401 amended by EO 11921 of June 11, 1976]

PART 15—CIVIL AERONAUTICS BOARD

SECTION 1501. *Definitions.* As used in this part:

(1) "War Air Service Program" (hereinafter referred to as WASP) means the program designed to provide for the maintenance of essential civil air routes and services, and to provide for the distribution and redistribution of air carrier aircraft among civil air transport carriers after withdrawal of aircraft allocated to the Civil Reserve Air Fleet.

(2) "Civil Reserve Air Fleet" (hereinafter referred to as CRAF) means those air carrier aircraft allocated by the Secretary of Transportation to the Department of Defense to meet essential military needs in the event of an emergency.

SEC. 1502. *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall exercise emergency resource management of the WASP. Except for those functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003, and 3005, which have been reserved to the Secretary of Trans-

portation with assistance from the Civil Aeronautics Board as appropriate. The Civil Aeronautics Board, in exercising emergency resource management of the WASP, shall:

(1) *Distribution of aircraft.* Develop plans and be prepared to carry out such distribution and redistribution of all air carrier civil aircraft allocated by the Secretary of Transportation among the civil air transport carriers as may be necessary to assure the maintenance of essential civil routes and services under WASP operations after the CRAF requirements have been met.

(2) *Economic regulations.* Develop plans covering route authorizations and operations, tariffs, rates, and fares charged the public, mail rates, government compensation and subsidy, and accounting and contracting procedures essential to WASP operations.

(3) *Operational controls and priorities.* Develop plans and procedures for the administration of operational controls and priorities of passenger and cargo movements in connection with the utilization of air carrier aircraft for WASP purposes in an emergency.

(4) *Investigation.* Maintain the capability to investigate violations of emergency economic regulations affecting air carrier operations.

(5) *Contracting.* Prepare to perform as a contracting agency, if such an agency is necessary, in connection with distribution and redistribution of aircraft for WASP.

(6) *Interagency assistance.* Assist the Secretary of Transportation in planning for those responsibilities enumerated in Section 1303(2)(a).

[Sec. 1502 amended by EO 11921 of June 11, 1976]

PART 15A—ENVIRONMENTAL PROTECTION AGENCY

SECTION 1550. *Résumé of responsibilities.* The Administrator of the Environmental Protection Agency is responsible for diagnosis of quality problems and hazards in the environment which would impede the survival and recovery efforts of the nation and for developing coordinated Federal plans and fostering State and local plans designed to prevent or minimize the long-term ecological impact of hazardous agents introduced into the environment in an emergency situation, and to assist and coordinate with all primary resource agencies regarding plans to preserve the quality of a resource needed in an emergency.

SEC. 1551. *Definitions.* As used in this part:

(1) "Potable water" means drinkable water from all sources required for use in community water supply systems.

(2) "Hazardous agents" means nuclear, biological, and chemical, or other agents introduced into the environment in an emergency to affect adversely the health of the population and to impede resumption of normal operations of a community or nation.

SEC. 1552. *Functions.* The Administrator of the Environmental Protection Agency shall:

(1) Develop, in coordination with the Department of the Interior and other responsible Federal agencies, emergency plans to assure the provision of potable water supplies to meet community needs; develop plans and procedures to safeguard water quality under emergency conditions; and develop emergency programs and procedures designed to assure the availability of materials and equipment for water supply systems.

(2) Provide guidance on acceptable emergency levels for hazardous agents, and support plans of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment.

(3) Develop these plans in close coordination with appropriate primary resource and support agencies.

[Part 15A added by EO 11921 of June 11, 1976]

PART 16—EXPORT-IMPORT BANK OF THE UNITED STATES

SECTION 1601. *Functions.* (a) Under guidance of the Secretary of the Treasury, the Export-Import Bank shall develop plans for the utilization of the resources of the Bank, or other resources made available to the Bank, in expansion of productive capacity abroad for essential materials, foreign barter arrangements, acquisition of emergency imports, and in support of the domestic economy, or any other plans designed to strengthen the relative position of the Nation and its allies.

(b) In carrying out the guidance functions described above, the Secretary of the Treasury shall consult with the Secretary of State and the Secretary of Commerce as appropriate.

PART 17—FEDERAL BANK SUPERVISORY AGENCIES

SECTION 1701. *Financial Plans and Programs.* The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, and the Federal Deposit Insurance Corporation shall participate with the Federal Preparedness Agency (GSA), the Department of the Treasury, and other agencies in the formulation of emergency financial and stabilization policies. The heads of such agencies shall, as appropriate, develop emergency plans, programs, and regulations, in consonance with national emergency financial and stabilization plans and policies, to cope with potential economic effects of mobilization or an attack, including, but not limited to, the following:

(1) *Money and credit.* Provision and regulation of money and credit in accordance with the needs of the economy, including the acquisition, decentralization, and distribution of emergency supplies of currency; the collection of cash items and non-cash items; and the conduct of fiscal agency and foreign operations.

(2) *Financial institutions.* Provision for the continued or resumed operation of banking, savings and loan, and farm credit institutions, including measures for the re-creation of evidence of assets or liabilities destroyed or inaccessible.

(3) *Liquidity.* Provision of liquidity necessary to the continued or resumed operation of banking, savings and loan, credit unions, and farm credit institutions, including those damaged or destroyed by enemy action.

(4) *Cash withdrawals and credit transfers.* Regulation of the withdrawal of currency and the transfer of credits including deposit and share account balances.

(5) *Insurance.* Provision for the assumption and discharge of liability pertaining to insured deposits and insured savings accounts or withdrawable shares in banking and savings and loan institutions destroyed or made insolvent.

[Sec. 1701 amended by EO 11921 of June 11, 1976]

SEC. 1702. *Sharing of war losses.* Heads of agencies shall, as appropriate, participate with Federal Preparedness Agency (GSA) and the Department of the Treasury in the development of policies, plans, and procedures for implementation of national policy on sharing war losses.

[Sec. 1702 amended by EO 11921 of June 11, 1976]

PART 18—FEDERAL COMMUNICATIONS COMMISSION

SECTION 1801. *Definitions.* As used in this part:

(1) "Common carrier" means any person subject to Commission regulation engaged in providing, for use by the public, for hire, interstate or foreign communications facilities or services by wire or radio; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(2) "Broadcast facilities" means those stations licensed by the Commission for the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

(3) "Safety and special radio services" includes those non-broadcast and non-common carrier services which are licensed by the Commission under the generic designation "safety and special radio services" pursuant to the Commission's Rules and Regulations.

SEC. 1802. *Functions.* The Federal Communications Commission shall develop policies, plans, and procedures, in consonance with national telecommunications plans and policies developed pursuant to Executive Order No. 10705, Executive Order No. 11556, Executive Order No. 11051, the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", and other appropriate authority, covering:

(1) *Common carrier service.* (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with overall national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(2) *Broadcasting service.* Construction, activation, or deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(3) *Safety and special radio services.* Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency.

(4) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(5) *Electromagnetic radiation.* Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in any emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(6) *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

[Sec. 1802 amended by EO 11921 of June 11, 1976]

PART 19—FEDERAL POWER COMMISSION

SECTION 1901. *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in accordance with current agreements between the Secretary of the Interior and the Chairman of the Federal Power Commission.

[Sec. 1901 amended by EO 11921 of June 11, 1976]

PART 22—GENERAL SERVICES ADMINISTRATION

SECTION 2001. *Résumé of Responsibilities.* The Administrator of General Services shall prepare national emergency plans and develop preparedness programs designed to permit modification or expansion of the activities of the General Services Administration under the Federal Property and Administrative Services Act of 1949, as amended and other statutes prescribing the duties and responsibilities of the Administrator. These plans and programs shall include, but not be limited to: (1) operation, maintenance, and protection of Federal

buildings and their sites; construction, alteration, and repair of public buildings; and acquisition, utilization, and disposal of real and personal properties; (2) public utilities service management for Federal agencies; (3) telecommunications to meet the essential requirements of civilian activities of executive departments and agencies; (4) transportation management to meet the traffic service requirements of civilian activities of Federal agencies; (5) records management; (6) Emergency Federal Register; (7) Government-wide supply support; (8) service to survival items stockpiles; (9) national industrial reserve; (10) guidance and consultation to Government agencies regarding facilities protection measures; (11) administration of assigned functions under the Defense Production Act; and (12) administration and operation of the stockpile of strategic and critical materials in accordance with such guidance as may be provided by the National Security Council and, with respect to the economic and disposal aspects of stockpiling of strategic and critical materials by the Council on Economic Policy.

[Sec. 2001(12) amended by EO 11921 of June 11, 1976]

SEC. 2002. *Functions.* The Administrator of General Services shall:

(1) *Public buildings.* Develop emergency plans and procedures for the operation, maintenance, and protection of both existing and new Federally-owned and Federally-occupied buildings, and construction, alteration, and repair of public buildings. Develop emergency operating procedures for the control, acquisition, assignment, and priority of occupancy of real property by the Federal Government and by State and local governments to the extent they may be performing functions as agents of the Federal Government.

(2) *Public utility service management.* Develop emergency operational plans and procedures for the claimancy, procurement, and use of public utility services for emergency activities of executive agencies of the Government.

(3) *Communications.* Plan for and provide, operate, and maintain appropriate telecommunications facilities designed to meet the essential requirements of Federal civilian departments and agencies during an emergency within the framework of the National Communications System. Plans and programs of the Administrator shall be in consonance with national telecommunications policies, plans, and programs developed pursuant to Executive Order No. 10705, Executive Order No. 11556, Executive Order No. 11051, and the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System," or other appropriate authority.

(4) *Transportation.* Develop plans and procedures for providing: (a) general transportation and traffic management services to civilian activities of Federal agencies in connection with movement of property and supplies, including the claimancy, contracting, routing, and accounting of Government shipments by commercial transportation in time of emergency; and (b) motor vehicle service to meet the administrative needs of Federal agencies, including dispatch and scheduled Government motor service at and between headquarters, field offices, relocation sites, and other installations of the Federal and State governments.

(5) *Records.* Provide instructions and advice on appraisal, selection, preservation, arrangement, reference, reproduction, storage, and salvage of essential records needed for the operation of the Federal Government after attack, on an emergency basis, including a decentralized system.

(6) *Federal Register.* Develop emergency procedures for providing and making available, on a decentralized basis, a Federal Register of Presidential Proclamations and Executive Orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress during a national emergency.

(7) *Government-wide procurement and supply.* Prepare plans and procedures for the coordination and/or operation of Government-wide supply programs to meet the requirements of Federal agencies under

emergency conditions, including the development of policies, methods, and procedures for emergency procurement and for emergency requisitioning of private property when authorized by law and competent authority; identification of essential civil agency supply items under the Federal catalog system; development of emergency Federal specifications and standards; determination of sources of supply; procurement of personal property and non-personal services; furnishing appropriate inspection and contract administration services; and establishment, coordination, and/or operation of emergency storage and distribution facilities.

(8) *Survival item stockpiles.* Assist the Department of Health, Education, and Welfare, insofar as civil defense medical stockpile items under its jurisdiction are concerned, and the Department of Defense, insofar as survival items under its jurisdiction are concerned, in formulating plans and programs for service activity support relating to stockpiling of such supplies and equipment. The Administrator shall arrange for the procurement, storage, maintenance, inspection, survey, withdrawal, and disposal of supplies and equipment in accordance with the provisions of interagency agreements with the departments concerned.

(9) *National industrial reserve and machine tool program.* Develop plans for the custody of the industrial plants and production equipment in the national industrial reserve and assist the Department of Defense, in collaboration with the Department of Commerce, in the development of plans and procedures for the disposition, emergency reactivation, and utilization of the plants and equipment of this reserve in the custody of the Administrator.

(10) *Excess and surplus real and personal property.* Develop plans and emergency operating procedures for the utilization of excess and surplus real and personal property by Federal Government agencies with emergency assignments or by State and local governmental units as directed, including review of the property holdings of Federal agencies which do not possess emergency functions to determine the availability of property for emergency use, and including the disposal of real and personal property and the rehabilitation of personal property.

(11) *Facilities protection and building and shelter manager service.* In accordance with the guidance from the Department of Defense, promote, with respect to Federal buildings and installations, a Government-wide program (a) to stimulate protection, preparedness, and control in emergencies in order to minimize the effects of overt or covert attack, including dispersal of facilities; and (b) to establish shelter manager organizations, including safety and service personnel, shelter manager service, first aid, police, and evacuation service.

[Sec. 2002(3) amended by EO 11921 of June 11, 1976]

SEC. 2003. *Defense Production.* The Administrator of General Services shall assist the Federal Preparedness Agency (GSA) in the formulation of plans and programs relating to the certification of procurement programs, subsidy payments, and plant improvement programs provided for by the Defense Production Act of 1950, as amended.

[Sec. 2003 amended by EO 11921 of June 11, 1976]

SEC. 2004. *Strategic and Critical Materials Stockpiles.* The Administrator of General Services shall assist the Federal Preparedness Agency (GSA) in formulating plans, programs, and reports relating to the stockpiling of strategic and critical materials. Within these plans and programs, the Administrator shall provide for the procurement (for this purpose, procurement includes upgrading, rotation, and beneficiation), storage, security, maintenance, inspection, withdrawal, and disposal of materials, supplies, and equipment.

[Sec. 2004 amended by EO 11921 of June 11, 1976]

PART 21—INTERSTATE COMMERCE COMMISSION

SECTION 2101. *Résumé of Responsibilities.* The Chairman of the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, shall prepare national emergency

plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency (other than for the Alaska Railroad—see Section 1303(6)); motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to States regarding development of their transportation plans in assigned areas.

SEC. 2102. *Definitions.* As used in this part:

(1) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage;

(2) "Public storage" includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises;

(3) "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes;

(4) Specifically excluded, for the purposes of this part, are pipelines, petroleum and gas storage, agricultural food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or pre-allocated to the military.

SEC. 2103. *Transportation Functions.* The Interstate Commerce Commission shall:

(1) *Operational control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(2) *Emergency operations.* Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

PART 22—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 2201. *Functions.* The Administrator of the National Aeronautics and Space Administration shall:

(1) *Research and development.* Adapt and utilize the scientific and technological capability of the National Aeronautics and Space Administration, consistent with over-all requirements, to meet priority needs of the programs of the Federal Government in an emergency. This will include the direction and conduct of essential research and development activities relating to (a) aircraft, spacecraft, and launch vehicles, (b) associated instrumentation, guidance, control and payload, propulsion, and communications systems, (c) scientific phenomena affecting both manned and unmanned space flights, (d) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (e) atmospheric and geophysical sciences.

(2) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This may include (a) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (b) developing methods to counter novel or revolutionary enemy weapons systems, (c) providing technical advice and assistance on matters involving air and space activities, and (d) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

PART 22A—NATIONAL CREDIT UNION ADMINISTRATION

SECTION 2250. *Functions.* The Administrator of the National Credit Union Administration shall:

(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

(2) *Economic stabilization.* Provide guidance and funds as necessary to credit unions that will contribute to stabilization of the nation's economy by helping to establish and maintain a sound economic base for continuing operations, combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.

[Part 22A added by EO 11921 of June 11, 1976]

PART 23—NATIONAL SCIENCE FOUNDATION

SECTION 2301. *Functions.* The Director of the National Science Foundation shall:

(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) being prepared for rapid expansion of the Foundation's current operation as a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions; and (b) developing, in consultation with the Department of Labor, the Selective Service System, and the Department of Defense, plans and procedures to assure the most effective distribution and utilization of the nation's scientific and engineering manpower in an emergency.

(2) *Specific functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate non-governmental organizations, the ability to mobilize scientists, in consonance with overall civilian manpower mobilizaton programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's science education programs for science, mathematics and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as governmental facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and an analysis of hazards to human life in the aftermath of enemy attack; and (d) prepare to carry on necessary programs for research and for training of scientific manpower.

[Sec. 2301 amended by EO 11921 of June 11, 1976]

PART 24—RAILROAD RETIREMENT BOARD

SECTION 2401. *Functions.* The Railroad Retirement Board shall:

(1) *Manpower functions.* Within the framework of the over-all manpower plans and programs of the Department of Labor, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts.

(2) *Benefit payments.* Develop plans for administering, under emergency conditions, the essential aspects of the Railroad Retirement Act and Railroad Unemployment Insurance Act consistent with overall Federal plans for the continuation of benefit payments after an enemy attack.

PART 25—SECURITIES AND EXCHANGE COMMISSION

SECTION 2501. *Functions.* The Securities and Exchange Commission shall collaborate with the Secretary of the Treasury in the de-

velopment of emergency financial control plans, programs, procedures, and regulations for:

(1) *Stock trading.* Temporary closure of security exchanges, suspension of redemption rights, and freezing of stock and bond prices, if required in the interest of maintaining economic controls.

(2) *Modified trading.* Development of plans designed to reestablish and maintain a stable and orderly market for securities when the situation permits under emergency conditions.

(3) *Protection of securities.* Provision of a national records system which will make it possible to establish current ownership of securities in the event major trading centers and depositories are destroyed.

(4) *Flow of capital.* The control of the formation and flow of private capital as it relates to new securities offerings or expansion of prior offerings for the purpose of establishing or reestablishing industries in relation to the Nation's needs in or following a national emergency.

(5) *Flight of capital.* The prevention of the flight of capital outside this country, in coordination with the Secretary of Commerce, and the impounding of securities in the hands of enemy aliens.

PART 26—SMALL BUSINESS ADMINISTRATION

SECTION 2601. *Functions.* The Administrator of the Small Business Administration shall:

(1) *Prime contract authority.* Develop plans to administer a program for the acquisition of prime contracts by the Administration and, in turn, for negotiating or otherwise letting of subcontracts to capable small business concerns in an emergency.

(2) *Resource information.* Provide data on facilities, inventories, and potential production capacity of small business concerns to all interested agencies.

(3) *Procurement.* Develop plans to determine jointly with Federal procurement agencies, as appropriate, which defense contracts are to go to small business concerns and to certify to the productive and financial ability of small concerns to perform specific contracts, as required.

(4) *Loans for plant modernization.* Develop plans for providing emergency assistance to essential individual industrial establishments through direct loans or participation loans for the financing of production facilities and equipment.

(5) *Resource pools.* Develop plans for encouraging and approving small business defense production and research and development pools.

(6) *Financial assistance.* Develop plans to make loans, directly or in participation with private lending institutions, to small business concerns and to groups or pools of such concerns, to small business investment companies, and to State and local development companies to provide them with funds for lending to small business concerns, for defense and essential civilian purposes.

PART 27—TENNESSEE VALLEY AUTHORITY

SECTION 2701. *Functions.* The Board of Directors of the Tennessee Valley Authority shall:

(1) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the Tennessee Valley Authority power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(2) *Waterways.* Assist the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, prepare plans for the

management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

(3) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River System and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(4) *Emergency health services and sanitary water supplies.* Assist the Department of Health, Education, and Welfare in the development of plans and programs covering emergency health services, civilian health manpower, and health resources in the Tennessee Valley Authority area and, in collaboration with the Department of the Interior and the Department of Health, Education, and Welfare, prepare plans for the management, operation, and maintenance of the Tennessee River System consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(5) *Coordination of water use.* Develop plans for determining or proposing priorities for the use of water by the Tennessee Valley Authority in the event of conflicting claims arising from the functions listed above.

(6) *Fertilizer.* Assist the Department of Agriculture in the development of plans for the distribution and claimancy of fertilizer; assist the Department of Commerce and the Department of Defense in the development of Tennessee Valley Authority production quotas and any essential expansion of production facilities, and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(7) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(8) *Land management.* Develop plans for the maintenance, management, and utilization of Tennessee Valley Authority-controlled lands in the interest of an emergency economy.

(9) *Food and forestry.* Assist the Department of Agriculture in the development of plans for the harvesting and processing of fish and game, and the Department of Commerce in the development of plans for the production and processing of forest products.

(10) *Coordination with Valley States.* Prepare plans and agreements with Tennessee Valley States, consistent with Federal programs, for appropriate integration of Tennessee Valley Authority and State plans for the use of available Tennessee Valley Authority resources.

PART 28—UNITED STATES CIVIL SERVICE COMMISSION

SECTION 2801. *Functions.* The United States Civil Service Commission shall:

(1) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and to meet emergency demands.

(2) *Utilization.* Develop policies and implementing procedures designed to assist Federal agencies in achieving the most effective utilization of the Federal Government's civilian manpower in an emergency.

(3) *Manpower policies.* As the representative of the Federal Government as an employer, participate, as appropriate, in the formulation of national and regional manpower policies as they affect Federal civilian personnel and establish implementing policies as necessary.

(4) *Manpower administration.* Prepare plans, in consonance with national manpower policies and programs, for the administration of emergency civilian manpower and employment policies within the

executive branch of the Government, including the issuance and enforcement of regulations to implement such policies.

(5) *Wage and salary stabilization.* Participate, as appropriate, with the Federal Preparedness Agency (GSA) and the Department of Labor in the formulation of national and regional wage and salary stabilization policies as they affect Federal civilian personnel. Within the framework of such policies, prepare plans for the implementation of such policies and controls established for employees within the executive branch of the Government, including the issuance and enforcement of necessary regulations.

(6) *Assistance.* Develop plans for rendering personnel management and staffing assistance to new and expanding Federal agencies.

(7) *Recruiting.* Develop plans for the coordination and control of civilian recruiting policies and practices by all Federal agencies in order to increase the effectiveness of the total recruitment efforts during an emergency and to prevent undesirable recruitment practices.

(8) *Reassignment.* Develop plans to facilitate the reassignment or transfer of Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in order to meet the most urgent needs of the executive branch during an emergency.

(9) *Registration.* Develop plans and procedures for a nationwide system of post-attack registration of Federal employees to provide a means for locating and returning to duty those employees who become physically separated from their agencies after an enemy attack, and to provide for the maximum utilization of the skills of surviving employees.

(10) *Deferment.* Develop plans and procedures for a system to control Government requests for the selective service deferment of employees in the executive branch of the Federal Government and in the municipal government of the District of Columbia.

(11) *Investigation.* Prepare plans, in coordination with agencies having responsibilities in the personnel security field, for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(12) *Salaries, wages, and benefits.* Develop plans for operating under emergency conditions the essential aspects of salary and wage systems and such benefit systems as the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, the Federal Employees and Retired Federal Employees Health Benefits Programs, and the Federal Employees Compensation Program.

(13) *Federal manpower mobilization.* Assist Federal agencies in establishing manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems of individual Federal agencies and the Federal Government as a whole in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and develop Government-wide plans for the use of surplus Federal civilian manpower.

(14) *Distribution of manpower.* Participate in the formulation of policies and decisions on the distribution of the nation's civilian manpower resources, obtain appropriate civilian manpower data from Federal agencies, and establish necessary implementing policies and procedures within the Executive Branch.

(15) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employees.

[Sec. 2801(5) amended by EO 11921 of June 11, 1976]

PART 28A—UNITED STATES INFORMATION AGENCY

SECTION 2850. *Functions.* (a) The Director of the United States Information Agency shall prepare national emergency plans and develop preparedness programs for the continuation of essential emergency

foreign information activities. These plans and programs shall be designed to develop a state of readiness which will permit continuing necessary activities under all conditions of national emergency including attack upon the United States.

(b) The Director shall (1) develop plans for the formulation and execution of foreign information programs utilizing the Agency's overseas posts and all media designed to promote an intelligent understanding abroad of the status of the emergency within the United States and the efforts, policies, activities, needs, and aims of the United States in dealing with the international situation then existing; (2) develop emergency plans and programs, and emergency organizational structures required thereby, as an integral part of the continuing activities of the United States Information Agency on the basis that it will have the responsibility for carrying on such programs during an emergency; (3) provide and maintain the capability necessary for simultaneous direct radio broadcasting in major languages to all areas of the world, and wireless teletype to all United States Embassies; (4) provide advice to the executive branch on foreign opinion, and its implications for United States policies, programs, and official statements; (5) maintain liaison with the information agencies of friendly nations for the purpose of relating the United States Government information programs and facilities to those of such nations; (6) participate in the development of policy with regard to the psychological aspects of defense and develop plans for assisting the appropriate agencies in the execution of psychological operations with special attention to overseas crises short of war; (7) maintain United States Information Service staffs abroad for the conduct of public information for all agencies of the Government, recognizing that in a theater of operations the United States Information Agency would make available to the appropriate Commander all United States citizen personnel on the staff of the Agency, who agree to remain, to serve in support of psychological operations; and (8) lend appropriate support in psychological warfare to the military command in the theater or theaters of active military operations, and provide daily guidance and basic informational materials.

(c) The Director shall insure development of appropriate plans necessary under this Part and issue emergency instructions required to implement all appropriate plans developed under this Part.

[Part 28A added by EO 11921 of June 11, 1976]

PART 29—VETERANS ADMINISTRATION

SECTION 2901. *Functions.* The Administrator of Veterans Affairs shall develop policies, plans, and procedures for the performance of emergency functions with respect to the continuation or restoration of authorized programs of the Veterans Administration under all conditions of national emergency, including attack upon the United States. These include:

(1) The emergency conduct of inpatient and outpatient care and treatment in Veterans Administration medical facilities and participation with the Departments of Defense and Health, Education, and Welfare as provided for in interagency agreements.

(2) The emergency conduct of compensation, pension, rehabilitation, education, and insurance payments consistent with over-all Federal plans for the continuation of Federal benefit payments.

(3) The emergency performance of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various emergency conditions.

PART 30—GENERAL PROVISIONS

SECTION 3001. *Resource Management.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051 of September 27, 1962, and subject to the provisions of the preceding parts, the head of each department and agency shall:

(1) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which he has been assigned responsibility.

(2) *Requirements.* Assemble, develop as appropriate, and evaluate requirements for assigned resources, taking into account estimated needs for military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(3) *Evaluation.* Assess assigned resources in order to estimate availability from all sources under an emergency situation, analyze resource availabilities in relation to estimated requirements and develop appropriate recommendations and programs, including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource analysis purposes of the Federal Preparedness Agency (GSA).

(4) *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services which would be needed to carry out assigned responsibilities and other essential functions of his department or agency, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

[Sec. 3001 amended by EO 11921 of June 11, 1976]

SEC. 3002. *Facilities protection and warfare effects monitoring and reporting.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the head of each department and agency shall:

(1) *Facilities protection.* Provide facilities protection guidance material adapted to the needs of the facilities and services concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on facilities or other resources for which he has management responsibility. Guidance shall include, but not be limited to, organization and training of facility employees, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, dispersal of facilities, and mutual aid associations for an emergency.

(2) *Warfare effects monitoring and reporting.* Maintain a capability, both at national and field levels, to estimate the effects of attack on assigned resources and to collaborate with and provide data to the Federal Preparedness Agency (GSA), the Department of Defense, and other agencies, as appropriate, in verifying and updating estimates of resource status through exchanges of data and mutual assistance, and provide for the detection, identification, monitoring and reporting of such warfare effects at selected facilities under his operation or control.

(3) *Salvage and rehabilitation.* Develop plans for salvage, decontamination, and rehabilitation of facilities involving resources under his jurisdiction.

(4) *Shelter.* In conformity with national shelter policy, where authorized to engage in building construction, plan, design, and construct such buildings to protect the public to the maximum extent feasible against the hazards that could result from an attack upon the United States with nuclear weapons; and where empowered to extend Federal financial assistance, encourage recipients of such financial assistance to use standards for planning design and construction which will maximize protection for the public.

[Sec. 3002 amended by EO 11921 of June 11, 1976]

SEC. 3003. *Critical skills and occupations.* (a) The Secretaries of Defense, Commerce, and Labor shall carry out the mandate of the National Security Council, dated February 15, 1968, to "maintain

a continuing surveillance over the Nation's manpower needs and identify any particular occupation or skill that may warrant qualifying for deferment on a uniform national basis." In addition, the Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall carry out the mandate of the National Security Council to "maintain a continuing surveillance over the Nation's manpower and education needs to identify any area of graduate study that may warrant qualifying for deferment in the national interest." In carrying out these functions, the Secretaries concerned shall consult with the National Science Foundation with respect to scientific manpower requirements.

(b) The Secretaries of Commerce and Labor shall maintain and issue, as necessary, lists of all essential activities and critical occupations that may be required for emergency preparedness purposes.

SEC. 3004. *Research.* Within the framework of research policies and objectives established by the Federal Preparedness Agency (GSA), the head of each department and agency shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving each agency's interest.

[Sec. 3005 amended by EO 11921 of June 11, 1976]

SEC. 3005. *Stockpiles.* The head of each department and agency, with appropriate emergency responsibilities, shall assist the Federal Preparedness Agency (GSA), in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items.

[Sec. 3005 amended by EO 11921 of June 11, 1976]

SEC. 3006. *Direct Economic Controls.* The head of each department and agency shall cooperate with the Office of Emergency Preparedness and the Federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

SEC. 3007. *Financial Aid.* The head of each department and agency shall develop plans and procedures in cooperation with the Federal financial agencies for financial and credit assistance to those segments of the private sector for which he is responsible in the event such assistance is needed under emergency conditions.

SEC. 3008. *Functional Guidance.* The head of each department and agency in carrying out the functions assigned to him by his order, shall be guided by the following:

(1) *National program guidance.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense, technical guidance shall be provided to State and local governments and instrumentalities thereof, to the end that all planning concerned with functions assigned herein will be effectively coordinated. Relations with the appropriate segment of the private sector shall be maintained to foster mutual understanding of Federal emergency plans.

(2) *Interagency coordination.* Emergency preparedness functions shall be coordinated by the head of the department or agency having primary responsibility with all other departments and agencies having supporting functions related thereto.

(3) *Emergency preparedness.* Emergency plans, programs, and an appropriate state of readiness, including organizational readiness, shall be developed as an integral part of the continuing activities of each department or agency on the basis that that department or

agency will have the responsibility for carrying out such plans and programs during an emergency. The head of each department or agency shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determinations by the President.

(4) *Professional liaison.* Mutual understanding and support of emergency preparedness activities shall be fostered, and the National Defense Executive Reserve shall be promoted by maintaining relations with the appropriate non-governmental sectors.

[Sec. 3008(1) amended by EO 11921 of June 11, 1976]

SEC. 3009. *Training.* The head of each department and agency shall develop and direct training programs which incorporate emergency preparedness and civil defense training and information programs necessary to insure the optimum operational effectiveness of assigned resources, systems, and facilities.

SEC. 3010. *Emergency Public Information.* In consonance with such emergency public information plans and central program decisions of the Federal Preparedness Agency (GSA), and with plans, programs, and procedures established by the Department of Defense to provide continuity of programming for the Emergency Broadcast System, the head of each department and agency shall:

(1) Obtain and provide information as to the emergency functions or assignments of the individual department or agency for dissemination to the American people during the emergency, in accordance with arrangements made by the Federal Preparedness Agency (GSA).

(2) Determine requirements and arrange for prerecordings to provide continuity of program service over the Emergency Broadcast System so that the American people can receive information, advice, and guidance pertaining to the implementation of the civil defense and emergency preparedness plans or assignments of each individual department or agency.

[Sec. 3010 amended by EO 11921 of June 11, 1976]

SEC. 3011. *Emergency Actions.* This order does not confer authority to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

SEC. 3012. *Redelegation.* The head of each department and agency is hereby authorized to redelegate the functions assigned to him by this order, and to authorize successive redelegations to agencies or instrumentalities of the United States, and to officers and employees of the United States.

SEC. 3013. *Transfer of Functions.* Any emergency preparedness function under this order, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director of Federal Preparedness Agency (GSA). Any new emergency preparedness function may be assigned to the head of a department or agency by the Director of the Federal Preparedness Agency (GSA) by mutual consent.

[Sec. 3013 amended by EO 11921 of June 11, 1976]

SEC. 3014. *Retention of Existing Authority.* Except as provided in Section 3015, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any department or agency or officer thereof made by statute, Executive order, or Presidential directives, including Memoranda.

SEC. 3015. *Revoked Orders.* The following are hereby revoked:

(1) Defense Mobilization Order VI–2 of December 11, 1953.
(2) Defense Mobilization Order I–12 of October 5, 1954.
(3) Executive Order No. 10312 of December 10, 1951.
(4) Executive Order No. 10346 of April 17, 1952.
(5) Executive Order No. 10997 of February 16, 1962.
(6) Executive Order No. 10998 of February 16, 1962.
(7) Executive Order No. 10999 of February 16, 1962.
(8) Executive Order No. 11000 of February 16, 1962.
(9) Executive Order No. 11001 of February 16, 1962.
(10) Executive Order No. 11002 of February 16, 1962.
(11) Executive Order No. 11003 of February 16, 1962.
(12) Executive Order No. 11004 of February 16, 1962.
(13) Executive Order No. 11005 of February 16, 1962.
(14) Executive Order No. 11087 of February 26, 1963.
(15) Executive Order No. 11088 of February 26, 1963.
(16) Executive Order No. 11089 of February 26, 1963.
(17) Executive Order No. 11090 of February 26, 1963.
(18) Executive Order No. 11091 of February 26, 1963.
(19) Executive Order No. 11092 of February 26, 1963.
(20) Executive Order No. 11093 of February 26, 1963.
(21) Executive Order No. 11094 of February 26, 1963.
(22) Executive Order No. 11095 of February 26, 1963.
(23) Executive Order No. 11310 of October 11, 1966.