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MONDAY, JUNE 21, 1976

highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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FHLBB—Mortgage-futures transactions, amendments.. 20680–20682; 5–21–76

Labor—Job corps program, changes of titles and corrections.. 20884; 5–21–76

USDA/AMS—Cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland..... 21762; 5–28–76

List of Public Laws

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

H.R. 11438..... Pub. Law 94–310
An act to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes
(June 15, 1976; 90 Stat. 687)

H.J. Res. 92..... Pub. Law 94–311
Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent
(June 16, 1976; 90 Stat. 688)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/HMOO	CSC		DOT/HMOO	CSC
DOT/PSOO	LABOR		DOT/PSOO	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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CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-21-AD; Amdt. 39-2644]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 200 Airplanes

There have been failures of wing deice boot supply tubes on some Beech Model 200 airplanes. High temperatures resulting from the engine exhaust are causing these supply tubes to melt or rupture, thereby preventing sufficient air flow to the deice boots which adversely effects their operation. The manufacturer has available a high temperature supply tube that will not melt. Accordingly since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued, applicable to certain serial numbers of Beech Model 200 airplanes, which will require inspection of the wing deice boot supply tubes to determine if they are the high temperature tubes. If the high temperature tubes are not installed the AD will further require placarding of the aircraft to prevent flight into icing conditions until the high temperature tubes are installed, which installation will be mandatory for all affected aircraft as of October 1, 1976.

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

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

BEECH. Applies to Model 200 (Serial Numbers BB-3 thru BB-41) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent flight into icing conditions with inoperative wing deice boots, accomplish the following:

(A) Within 50 hours' time in service after the effective date of this AD:

1. Remove the access plates on the outboard side of the nacelles, forward of the main spar, and visually inspect the wing deice tubes to determine if they are high temperature supply tubes which are identified by their black color.

2. If they are black high temperature supply tubes no further action is required.

3. If they are not black high temperature supply tubes, either install a placard on the instrument panel in full view of the pilot which reads:

"DO NOT OPERATE IN ICING CONDITIONS"

and operate the aircraft in accordance with this limitation or comply with Paragraph B.

(B) On or before October 1, 1976, install new P/N 130936N8D1200 black high temperature supply tubes in the right and left hand wings outboard of the engine nacelles. When this has been accomplished the placard and operating instructions required in Paragraph A are no longer applicable.

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

Procedures for inspecting and replacing the wing deice boot supply tubes are provided in Beechcraft Service Instructions 0822-193 or later approved revisions.

This amendment becomes effective June 23, 1976.

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

Issued in Kansas City, Missouri, on June 8, 1976.

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

[FR Doc.76-17756 Filed 6-18-76;8:45 am]

[Docket No. 76-CE-19-AD; Amdt. 39-2621]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 336 and 337 Series Airplanes; Correction

In FR Doc. 76-15681, appearing on Pages 22045 thru 22048, in the issue of Tuesday, June 1, 1976, correct the applicability statement so that it now reads as follows:

CESSNA. Applies to Model 336 (Serial Numbers 336-0001 thru 336-0195), 337, M337B, and T337 Series (Serial Numbers 337-0001 thru 337-1193 and 33701194 thru 33701548), and Model T337G (Serial Numbers P3370001 thru P3370138) airplanes.

Issued in Kansas City, Missouri, on June 10, 1976.

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

[FR Doc.76-17757 Filed 6-18-76;8:45 am]

[Docket No. 76-NE-22; Amdt. 39-2646]

PART 39—AIRWORTHINESS DIRECTIVE

Lake Aircraft, Division of Consolidated Aeronautics, Inc. LA-4-200 Airplanes

There has been an incident of sudden engine power reduction caused by contamination of the fuel injector unit. This contamination has been traced to corrosion of the AC Model GF 416 fuel filter housing due to entrapped water which is allowed to stand during periods of aircraft inactivity. A randomly selected filter also showed evidence of corrosion.

Because this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time inspection and mandatory periodic replacement of the fuel filter.[1] The results of this inspection will determine the necessity for further inspection or overhaul of the engine's fuel injection system.

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

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

LAKE AIRCRAFT, DIVISION OF CONSOLIDATED AERONAUTICS, INC. Applies to all Model LA-4-200 airplanes equipped with the AC GF-416 fuel filter.

Compliance required as specified below unless already accomplished.

1. To prevent engine power loss resulting from fuel injector contamination caused by filter housing corrosion, remove the AC GF-416 fuel filter from aircraft, cut open the housing and inspect the inside for corrosion in accordance with the following schedule:

a. Inspect the AC GF-416 filters installed in aircraft 60 or more days, within the next 30 days.

b. Inspect AC GF-416 filters installed in aircraft less than 60 days, prior to the accumulation of 90 days on aircraft.

Thereafter,

c. Inspect AC GF-416 replacement filters prior to the accumulation of 90 days on aircraft.

If corrosion is observed, inspect the Bendix Fuel Injection Unit in accordance with Paragraphs 2 a, b, and c, prior to further flight.

2. If the aircraft has had at least one fuel filter changed since the installation of a new or overhauled fuel injection unit before the effective date of this AD, perform the following inspection of the Model RSA-5AD1 Bendix Fuel Injection Unit, P/N 252054-4, within the next 30 calendar days:

a. Remove and inspect fuel inlet strainer.

b. Inspect housing area enclosing strainer.

c. Remove and inspect each of the four injector nozzles P/N 2524107, including the shield P/N 2520418 and screen P/N 367687.

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[1] Service Bulletin, B-58, Fuel Filters filed as part of original document.

If corrosion contamination is found in the fuel injector nozzle assembly, strainer or housing area, replace or overhaul the fuel injection unit and the flow divider P/N 2524057-2 prior to further flight.

Reference: Lake Aircraft Division Service Bulletin B-57.

Equivalent methods of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective June 29, 1976.

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

Issued in Burlington, Massachusetts, on June 9, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-17778 Filed 6-18-76;8:45 am]

[Docket No. 76-NE-23; Amdt. 39-2647]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney R-2800-B Aircraft Engines

AD 50-22-1 required operators of Military R-2800-B series engines installed in Curtiss Wright C-46 aircraft to incorporate a modified thrust bearing plate and the "outside-in" lubrication system in their engines.

A Notice of Proposed Rulemaking Airworthiness Directive, Docket No. 76-NE-4, was published in the FEDERAL REGISTER on February 19, 1976, to delete the reference to the Curtiss Wright C-46 aircraft from AD 50-22-1, thereby proposing to make the AD applicable to all R-2800-B engines. The NPRM afforded interested persons the opportunity to comment on the proposed amendment. However, no objections were received. Accordingly, the notice was adopted by Amendment 39-2622, 41 FR 21627, published May 27, 1976.

After issuing Amendment 39-2622 numerous comments were received from R-2800-B engine operators, who were unaware of the NPRM, indicating that there is insufficient time for incorporation of the provisions of the AD. Since the AD also requires a repetitive inspection until the engines are modified, the agency believes that the continuance of this inspection will provide an equivalent level of safety during the interim period. Therefore, the AD is being amended to extend the incorporation date to January 1, 1977.

In addition, the applicability paragraph is being corrected by adding the R-2800-31 engine.

Since the amendment relieves a restriction, provides clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, AD 50-22-1, as amended by Amendment 39-2622, 41 FR 21627, is further amended as follows:

Applicability Paragraph is amended by inserting "-31" after "R-2800-21, -27".

Compliance paragraph is amended by deleting the words "July 1, 1976" and inserting the words "January 1, 1977".

This amendment becomes effective June 30, 1976.

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

Issued in Burlington, Massachusetts, on June 10, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-17759 Filed 6-18-76;8:45 am]

[Docket No. 76-WE-9-AD; Amdt. 39-2643]

PART 39—AIRWORTHINESS DIRECTIVES

Weatherly Model 201B and C Airplanes

There has been a failure of a main landing gear between the brake attachment flange and the axle housing, associated with omission of some of the specified weld, on a Weatherly Model 201B airplane incorporating Cleveland brakes and wheels. This failure of the weld attachment may result in jamming of the brake and loss of airplane control during ground operation. Since this condition is likely to exist on other airplanes of the same design an airworthiness directive is being issued to require inspection of the main gear for this condition and replacement, if necessary, of the lower main gear on all Weatherly Model 201B airplanes equipped with Cleveland wheels and brakes and Model 201C airplanes (Serial Nos. 1001, 1002, and 1003) which are also equipped with Cleveland wheels and brakes.

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

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

WEATHERLY AVIATION COMPANY. Applies to Model 201B aircraft, all serial numbers which are equipped with Cleveland wheels and brakes, and Model 201C aircraft Serial Nos. 1001, 1002, and 1003 which are also equipped with Cleveland wheels and brakes, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the weld attachment of the landing gear ring P/N 40213-14 to the wrap plate P/N 40213-15 and tube P/N 40213-16, or use of improperly ground bolt heads, which may result in jamming of the brake and loss of airplane control during ground operation, accomplish the following:

(a) Inspect the welding skips of the weld of the 40213–14 ring to the 40213–15 wrap plate and 40213–16 tube. If the weld skip exceeds ⅜ inch max. at the upper hole or exceeds ½ inch max. at any other bolt hole as shown in Figure 1, before further flight replace with a P/N 40213 landing gear strut that does not exceed the weld skip limits as shown in Figure 1. Field repair by welding is not acceptable because the part is heat treated.

(b) Inspect the bolt heads of the AN–5–10A bolts which attach the brake to the 40213–14 ring and if any bolt head is ground off in excess of the max. 1/16 inch limit shown in Figure 2, before further flight replace with an AN–5–10A bolt that does not exceed max. 1/16 inch grind limit shown in Figure 2.

(c) Aircraft may be flown to a base for accomplishment of the inspections required by this AD per FAR's 21.197 and 21.199.

NOTE 1.—Weatherly Aviation Company Service Note No. 3 dated March 31, 1976 refers to this same subject.

NOTE 2.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

This amendment becomes effective June 21, 1976.

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

Issued in Los Angeles, California, on June 4, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

FIGURE 1

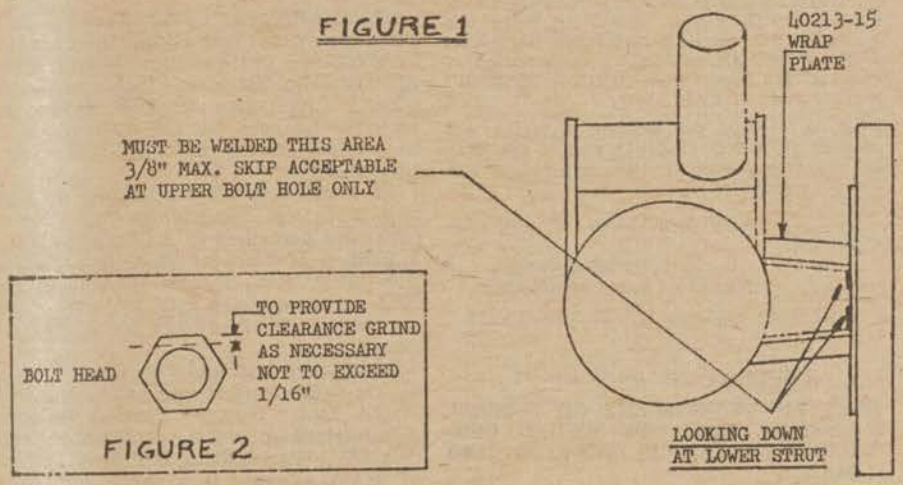
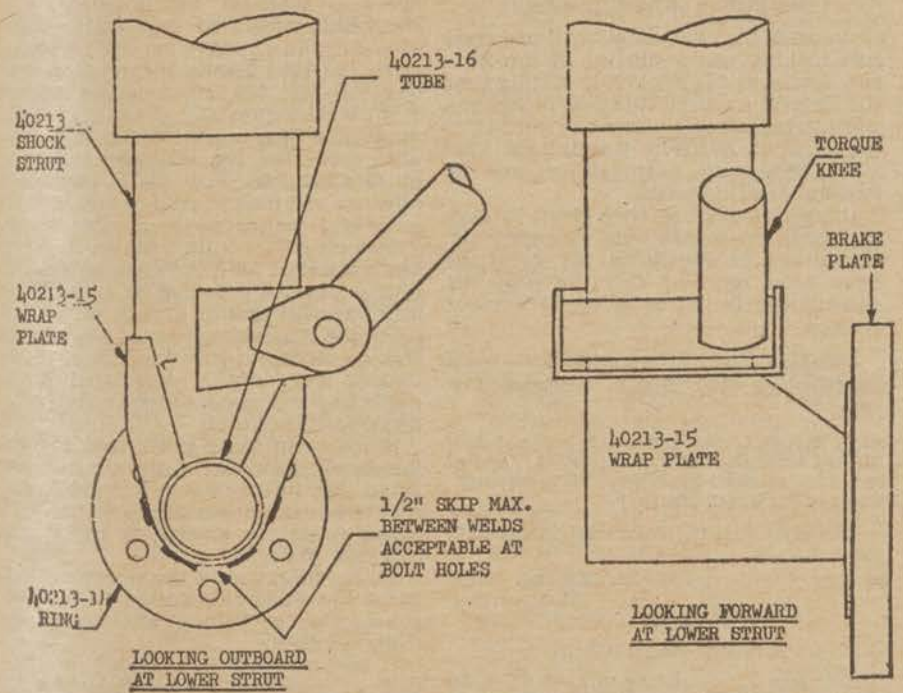


FIGURE 2



[FR Doc.76-17637 Filed 6-18-76;8:45 am]

[Airspace Docket No. 76-GL-23]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grissom AFB, Indiana, control zone.

The instrument approaches to Grissom AFB, Indiana, have been modified so the control zone extensions are not required and will be eliminated.

Since this change is minor in nature and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 9, 1976, as hereinafter set forth:

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

GRISSOM AFB, INDIANA

Within a 5-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.).

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

Issued in Des Plaines, Illinois, on June 1, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-17760 Filed 6-18-76;8:45 am]

[Airspace Docket No. 76-GL-7]

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

Alteration of Federal Airway

On April 5, 1976, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (41 FR 14393) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would limit the vertical extent of a segment of V–450 at 10,000 feet MSL during the time that a Military Operations Area (MOA) is in use.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only objection was from the Air Transport Association of America. They stated that the action would require deviations of air carrier traffic an unacceptable distance. Although the by-pass airway route is only 5 miles longer, it is not expected that the MOA will be in use enough to cause excessive inconvenience to users of altitudes 10,000 feet MSL and above. This action will have no effect on the use of lower altitudes.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

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

In V-450 "The airspace at and above 10,000 feet MSL from 35 NM southeast of Green Bay to 33 NM northwest of Muskegon is excluded during the time that the Minnow Military Operations Area is activated by NOTAM." is added.

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

Issued in Washington, D.C., on June 11, 1976.

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

[FR Doc.76-17755 Filed 6-18-76;8:45 am]

[Airspace Docket No. 76-SO-38]

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

Designation of Control Zone

On April 26, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17402), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Artesia, Miss., control zone.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the following control zone is added:

ARTESIA, MISS.

Within a 5-mile radius of Golden Triangle Regional Airport (latitude 33°26'48" N., longitude 88°35'30" W.). This control zone is effective from 0530 to 2230 hours, local time, daily.

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

Issued in East Point, Ga., on June 10, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-17780 Filed 6-18-76;8:45 am]

[Airspace Docket No. 76-SO-48]

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

Alteration of Control Zone and Transition Area; Correction

On May 27, 1976, FR Doc. 76-15275 was published in the FEDERAL REGISTER (41 FR 21628), amending Part 71 of the Federal Aviation Regulations by altering the Montgomery, Ala., control zone and transition area.

In the amendment, a control zone extension was incorrectly described. It is necessary to amend the Federal Register Document to properly define the extension. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 76-15275 is amended as follows:

The Montgomery, Ala., control zone is amended to read:

Within a 6-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 2 miles each side of Montgomery VORTAC 310° radial, extending from the 6-mile radius zone to 14.5 miles northwest of the VORTAC; within a 6-mile radius of Maxwell Air Force Base (latitude 32°22'48" N., longitude 86°21'55" W.).

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

Issued in East Point, Ga., on June 10, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-17779 Filed 6-18-76;8:45 am]

[Airspace Docket No. 76-RM-4]

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

Designation of Transition Area

On April 29, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 17931) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Bowman, North Dakota.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., September 9, 1976.

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

Issued in Aurora, Colorado, on June 10, 1976.

M. M. MARTIN,
Director,
Rocky Mountain Region.

BOWMAN, NORTH DAKOTA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Bowman Municipal Airport (latitude 46°11'15" N., longitude 103°25'15" W.); and that airspace extending upward from 1200 feet above the surface within 9.5 miles south and 4.5 miles north of the 311° T bearing from the Bowman NDB (latitude 46°10'26" N., longitude 103°25'03" W.) extending from 6.5 mile radius area to 18.5 miles northwest; and within 9.5 miles north and 4.5 miles south of the 123° T bearing from the Bowman NDB extending from the 6.5 mile radius area to 18.5 miles southeast; and within 5 miles each side of the 212° T bearing from the Bowman NDB extending from the 6.5 mile radius area to 35 miles southwest; and within 5 miles each side of 034° T bearing from the Bowman NDB extending from the 6.5 mile radius area to the Dickinson, North Dakota VORTAC.

[FR Doc.76-17777 Filed 6-18-76;8:45 am]

[Docket No. 15781; Amdt. No. 1025]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 29, 1976:

Waycross, GA—Waycross-Ware County Arpt., VOR-A, Amdt. 3
Boise, ID—Boise Air Terminal (Gowen Field), VOR/DME Rwys 10L & R, Amdt. 3

Boise, ID—Boise Air Terminal (Gowen Field), VORTAC Rwy 28L, Amdt. 6
Grand Isle, LA—Grand Isle Seaplane Base, VOR-A, Amdt. 5
Grand Isle, LA—Grand Isle Seaplane Base, VOR/DME-C, Amdt. 4
Sevierville, TN—Sevier-Gatlinburg Arpt., VOR/DME Rwy 10, Amdt. 1

* * * effective July 1, 1976:

Chicago, IL—Chicago O'Hare Int'l Arpt., VOR Rwy 22R, Amdt. 5

* * * effective June 24, 1976:

Toledo, OH—Toledo Express Arpt., VOR/DME Rwy 34, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 29, 1976:

Pensacola, FL—Pensacola Regional Arpt., LOC(BC) Rwy 34, Amdt. 5

* * * effective June 24, 1976:

Columbus, OH—Port Columbus Int'l Arpt., LOC(BC) Rwy 28R, Amdt. 2

* * * effective June 3, 1976:

San Diego, CA—San Diego Int'l-Lindbergh Field, LOC/DME(BC) Rwy 27, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 29, 1976:

Pensacola, FL—Pensacola Regional Arpt., NDB Rwy 16, Amdt. 18
Pensacola, FL—Pensacola Regional Arpt., NDB Rwy 34, Amdt. 10
Grand Isle, LA—Grand Isle Seaplane Base, NDB-B, Amdt. 6
Tacoma, WA—Tacoma Industrial Arpt., NDB Rwy 17, Amdt. 4

* * * effective July 15, 1976:

Huntingburg, IN—Huntingburg Arpt., NDB Rwy 27, Amdt. 3

* * * effective June 24, 1976:

Columbus, OH—Port Columbus Int'l Arpt., NDB Rwy 10R, Amdt. 1
Columbus, OH—Port Columbus Int'l Arpt., NDB Rwy 28L, Amdt. 9
Corry, PA—Lawrence Arpt., NDB Rwy 14, Original

* * * effective June 3, 1976:

San Diego, CA—San Diego Int'l-Lindbergh Field, NDB Rwy 9, Amdt. 15
Juneau, WI—Dodge County Arpt., NDB Rwy 2, Amdt. 6
Juneau, WI—Dodge County Arpt., NDB Rwy 20, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 29, 1976:

Pensacola, FL—Pensacola Regional Arpt., ILS Rwy 16, Amdt. 5
Boise, ID—Boise Air Terminal (Gowen Field), ILS Rwy 10R, Amdt. 2
Tacoma, WA—Tacoma Industrial Arpt., ILS Rwy 17, Amdt. 1

* * * effective July 1, 1976:

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 22R, Amdt. 2

* * * effective June 24, 1976:

Columbus, OH—Port Columbus Int'l Arpt., ILS Rwy 28L, Amdt. 22

* * * effective June 3, 1976:

San Diego, CA—San Diego Int'l-Lindbergh Field, ILS Rwy 9, Amdt. 7

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 29, 1976:

Pensacola, FL—Pensacola Regional Arpt., RADAR-1, Amdt. 2

* * * effective June 24, 1976:

Columbus, OH—Port Columbus Int'l Arpt., RADAR-1, Amdt. 13
Toledo, OH—Toledo Express Arpt., RADAR-1, Amdt. 9

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 29, 1976:

Reading, PA—Reading Muni. Gen Carl A Spaatz Field, RNAV Rwy 13, Original
Reading, PA—Reading Muni. Gen Carl A Spaatz Field, RNAV Rwy 18, Original

* * * effective June 24, 1976:

Toledo, OH—Toledo Express Arpt., RNAV Rwy 16, Amdt. 1

CORRECTION: In Docket Number 15717, Amendment 1022 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated May 27, 1976, on Page 21630 * * * under § 97.27, effective July 15, 1976, Anchorage, AK—Merrill Field, NDB-B, Amdt. 1, is hereby rescinded. NDB-B, Orig remains in effect.

In Docket Number 15736, Amendment 1023 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated July 15, 1976, on Page 22810 * * * under § 97.27, effective July 15, 1976, Anchorage, AK—Anchorage International, NDB-A, Amdt. 1, is hereby rescinded. NDB-A, Orig remains in effect.

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

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.76-17758 Filed 6-18-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0161]

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 448—PEPTIDE ANTIBIOTIC DRUGS

Clarification of Melting Point

The Food and Drug Administration is making minor clarifying amendments regarding the melting point test procedure for antibiotic drugs, effective June 21, 1976.

Section 436.209 (21 CFR 436.209) establishes the procedure for determining the melting range or temperature but does not specifically state what point in the melting range is considered the melting point. Although it has been generally recognized and understood that the melting point occurs when the melting of the sample is completed, the Commissioner of Food and Drugs concludes that it is appropriate to clarify what the melting point is to avoid uncertainty in testing antibiotic drugs for compliance with established specifications.

The Commissioner also finds that the language in § 448.25(a)(1)(v) (21 CFR 448.25(a)(1)(v)) regarding melting point is unclear and should be editorially amended for clarification.

Since the changes merely clarify existing procedures or specifications and are not new requirements, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner is amending Chapter I of Title 21 of the Code of Federal Regulations as follows:

§ 436.209 [Amended]

1. In Part 436, § 436.209 *Melting range or temperature* is amended in the last sentence of paragraph (c) by deleting the period and adding the phrase "or the melting point."

2. In Part 448, § 448.25 is amended by revising paragraph (a)(1)(v) to read as follows:

§ 448.25 Gramicidin.

(a) * * *
(1) * * *
(v) Its melting point is not below 229° C after drying in vacuum at 60° C for 3 hours.

* * * * *

Effective date: This amendment is effective June 21, 1976.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: June 11, 1976.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-17924 Filed 6-18-76;8:45 am]

[Docket No. 76N-0179]

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Erythromycin Stearate for Oral Suspension

The Food and Drug Administration (FDA) is amending the macrolide antibiotic drug regulations to provide for certification of a 50-milligram per milliliter potency of erythromycin stearate for oral suspension. This amendment shall be effective June 21, 1976.

The Commissioner of Food and Drugs, having evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to providing for the certifi-

cation of an additional potency of erythromycin stearate for oral suspension, has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug product is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 452 is amended in Subpart B by revising § 452.135c(a)(1) to read as follows:

§ 452.135c Erythromycin stearate for oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Erythromycin stearate for oral suspension is a dry mixture of erythromycin stearate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 or 50 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 9.0. The erythromycin stearate used conforms to the standards prescribed by § 452.35(a)(1).

* * * * *

As the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date: This order shall be effective June 21, 1976.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: June 14, 1976.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-17921 Filed 6-18-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Triamcinolone Acetonide Oral Powder

The Food and Drug Administration has evaluated a new animal drug application (99-388V) filed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, proposing the safe and effective use of triamcinolone acetonide oral powder as an anti-inflammatory agent for horses. The application is approved, effective June 21, 1976.

The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), delegated to the Commissioner (21 CFR 5.1) Part 520 is amended by adding new § 520.2482 to read as follows:

§ 520.2482 Triamcinolone acetonide oral powder.

(a) *Specifications.* Each 15 grams of triamcinolone acetonide oral powder contains 10 milligrams of triamcinolone acetonide.

(b) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used as an anti-inflammatory agent for horses.

(2) It is administered at a dosage of 0.005 to 0.01 milligram triamcinolone acetonide per pound of body weight twice daily, sprinkled (top-dressed) on a small portion of feed. Treatment may be initiated with a single dose of sterile triamcinolone acetonide suspension USP, followed after 3 or 4 days with the use of triamcinolone acetonide oral powder.

(3) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) Not for use in horses intended for food.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective June 21, 1976.

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

Dated: June 9, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-17925 Filed 6-18-76;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Xylazine Hydrochloride Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (47-956V) filed by Bayvet Corp., P.O. Box 390, Shawnee Mission, KS 66201, proposing safe and effective use of xylazine hydrochloride injection for immobilization and sedation of certain wild deer and elk. The supplemental application is approved, effective June 21, 1976.

The Commissioner is amending § 522.2662, which provides for the drug's use in horses, dogs, and cats, to include also its use in wild deer and elk.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 522.2662 is amended by revising paragraphs (a) and (c)(1) and adding paragraph (c)(2)(iii) to read as follows:

§ 522.2662 Xylazine hydrochloride injection.

(a) *Specifications.* Xylazine hydrochloride injection is a sterile aqueous solution containing xylazine hydrochloride equivalent to 100 milligrams of xylazine in each milliliter of solution when intended for use in horses, wild deer, and elk, and 20 milligrams of xylazine per milliliter of solution when intended for use in dogs and cats.

* * * * *

(c) *Conditions of use.* (1) The drug is used in horses, wild deer, elk, dogs, and cats to produce sedation, as an analgesic, and a preanesthetic to local anesthesia. It may also be used in horses, dogs, and cats as a preanesthetic to general anesthesia.

(2) * * *

(iii) To wild deer and elk from a solution containing 100 milligrams of xylazine (as xylazine hydrochloride) per milliliter, intramuscularly, by hand syringe or syringe dart, in the heavy muscles of the croup or shoulder as follows:

(*a*) Fallow deer, 2 to 4 milligrams per pound.

(*b*) Mule deer, sika deer, and whitetailed deer, 1 to 2 milligrams per pound.

(c) Elk, 0.25 to 0.5 milligram per pound.

* * * * *

Effective date: This amendment shall be effective June 21, 1976.

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

Dated: June 9, 1976.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.76-17923 Filed 6-18-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 564-6]

NEW SOURCE REVIEW

Delegation of Authority to the State of Georgia

The amendments below institute certain address changes for reports and applications required from operators of new sources. EPA has delegated to the State of Georgia authority to review new and modified sources. The delegated authority includes the reviews under 40 CFR Part 52 for the prevention of significant deterioration. It also includes the review under 40 CFR Part 60 for the standards of performance for new stationary sources and review under 40 CFR Part 61 for national emission standards for hazardous air pollutants.

A notice announcing the delegation of authority is published elsewhere in the Notices section this issue of the FEDERAL REGISTER. These amendments provide that all reports, requests, applications, submittals, and communications previously required for the delegated reviews will now be sent instead to the Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street SW., Atlanta, Georgia 30334, instead of EPA's Region IV.

The Regional 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 3, 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 Sections 101, 110, 111, 112 and 301 of the Clean Air Act, as amended 42 U.S.C. 1857, 1857C-5, 6, 7 and 1857g.

Dated: June 11, 1976.

JACK E. RAVAN,
Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

DELEGATION OF AUTHORITY FOR PREVENTION OF SIGNIFICANT DETERIORATION

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. Section 52.581 is amended by adding a new paragraph (c) as follows:

§ 52.581 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Georgia shall be submitted to the Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334, instead of the EPA Region IV office.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

DELEGATION OF AUTHORITY TO THE STATE OF GEORGIA

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

2. In § 60.4, paragraph (b)(L) is revised to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(L) State of Georgia, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

DELEGATION OF AUTHORITY TO THE STATE OF GEORGIA

Part 61 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

3. In § 61.04, paragraph (b)(L) is revised to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(L) State of Georgia, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

* * * * *

[FR Doc.76-17911 Filed 6-18-76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 565-1; PP6E1742/R103]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bacillus Thuringiensis, Berliner

On April 29, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 17945) a notice of proposed rulemaking pursuant to section 408(a) of the Federal Food, Drug, and Cosmetic Act to amend 40 CFR 180.1011 by exempting from the requirement of a tolerance residues of the microbial insecticide *Bacillus thuringiensis*, Berliner in or on all raw agricultural commodities.

This amendment to the regulations was proposed in response to a pesticide petition (PP 6E1742) submitted to the EPA by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the 53 Agricultural Experiment Stations. No comments or requests for referral to an advisory committee were received with regard to this rulemaking proposal.

Effective on June 21, 1976, therefore, 40 CFR 180.1011 is amended as proposed. This exemption from the requirement of a tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before July 21, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on June 21, 1976, 40 CFR 180.1011 is amended as set forth below.

Dated: June 15, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, Subpart D, Section 180.1011 is amended by revising paragraph (b) to exempt all raw agricultural commodities from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner, to read as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis*, Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner, as specified in paragraph (a) of this section, in or on all raw agricultural commodities when applied to growing crops in accordance with good agricultural practice.

* * * * *

[FR Doc.76-17917 Filed 6-18-76;8:45 am]

Title 45—Public Welfare

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

PART 124—DROPOUT PREVENTION

Amended Criteria and Modified Application Procedures

Notice of proposed rulemaking was published in the FEDERAL REGISTER on April 14, 1976 (41 FR 15702), which set forth proposed modifications to the existing application procedures and funding criteria governing the program for Dropout Prevention projects. The changes apply only to applications for grants to be awarded by the Commissioner from Fiscal Year 1976 funds under Pub. L. 89–10, section 807 and Title 45 CFR Part 124.

The preapplication procedure required by Part 124, § 124.3, of the Code of Federal Regulations is waived for Fiscal Year 1976 grants. New funding criteria are established in addition to the existing criteria contained in § 124.15. The new criteria give priority to applicants whose projects are designed to assist dropout or potential dropout students in selecting and pursuing gainful careers.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed changes. No comments were received by May 14, 1976, the end of the 30-day period available for public comment. Therefore the amended criteria and modified application procedures for the Dropout Prevention program are published in final form just as they were set forth in the FEDERAL REGISTER of April 14, 1976.

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

(Catalog of Federal Domestic Assistance No. 13.410, Dropout Prevention)

Dated: May 27, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: June 11, 1976.

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

Appendix A is added to the Guidelines appearing at the end of Part 124 to read as set forth below.

APPENDIX A—DROPOUT PREVENTION PROJECTS

MODIFIED APPLICATION PROCEDURES AND FUNDING CRITERIA FOR FISCAL YEAR 1976

(a) *Funding criteria.* In awarding grants from fiscal year 1976 funds for Dropout Prevention projects pursuant to Pub. L. 89–10, section 807 (20 U.S.C. 887) and Title 45 CFR Part 124, the Commissioner of Education will give priority to projects which rank high based on the criteria set forth in Title 45 Part 100a and section 100a.26, and Part 124, section 124.15, and which, in addition, are designed to assist dropout and potential dropout students in selecting and pursuing gainful careers. With respect to the project's potential for assisting dropout and potential dropout students in selecting and pursuing gainful careers, the following factors will be considered:

(1) The extent to which the project provides for integration into the applicant's existing academic curriculum of career-oriented subject matter, career counseling, and occupational placement;

(2) The adequacy of the applicant's proposal for developing career-oriented curriculum materials, techniques for implementing these materials, and career-oriented field experiences for students;

(3) The extent to which the project provides for consultation with parents with respect to project activities;

(4) The extent to which the project provides for consultation by the applicant with a cross-section of business, industrial, and community leaders and representatives of educational institutions with respect to career developments;

(5) The extent to which the project provides for the contribution by the business and industrial community with respect to occupational placement, technical advice, and funds;

(6) The extent to which the project's model is susceptible of being adopted by other local educational agencies;

(7) The extent to which the applicant will consult with organizations and associations (in addition to those listed in items (4) and (5)) which have demonstrated experience in on or more of items (1) through (6).
(20 U.S.C. 887)

(b) *Modified application procedure.*

Applicants for grants to be funded pursuant to Pub. L. 89–10, section 807 from fiscal year 1976 appropriations are not required to submit a preapplication proposal as set forth in Title 45 CFR, Part 124, sections 124.3 and 124.4. Grants under section 807 from fiscal year 1976 appropriations will be awarded to local educational agencies only upon submission to the Commissioner of an application for assistance which has been approved by the appropriate State agency as required by Title 45 CFR Part 124, section 124.4, and which meets the requirements of Title 45 CFR Part 124, sections 124.5 and 124.6.
(20 U.S.C. 887, 1221c(a))

[FR Doc.76–18000 Filed 6–18–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20680]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Report Form M and Monthly Report Form 901 for Telephone Companies; Correction

Selected Balance Sheet Items Section of Form 901 in the Appendix of the Report and Order, FCC 76–292, released April 8, 1976 and published in the FEDERAL REGISTER on April 14, 1976, 41 FR 15699, is revised to read:

Selected balance sheet items

[Balance at end of the reported month only]

F	1	1	Telephone plant in service (100:1).
F	1	2	Telephone plant under construction (100:2).
F	1	3	Property held for future telephone use (100:3).
F	1	4	Telephone plant acquisition adjustment (100:4).
F	1	5	Satellite earth stations (100:5).
F	2	1	Depreciation reserve (171).
F	2	2	Earth station depreciation and amortization reserve (175).
F	2	3	Unamortized investment credits included in account 174.
F	2	4	Accumulated deferred income taxes—accelerated tax depreciation (176:1).
F	2	5	Accumulated deferred income taxes—other (176:2).
F	3	1	Capital stock (150).
F	3	2	Premium on capital stock and other capital (152, 179).
F	3	3	Unappropriated retained earnings (181).
F	3	4	Retained earnings reserved (180).
F	3	5	Funded debt (154:1).
F	4	1	Advances from affiliated companies (156).

Released: June 15, 1976.

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

[FR Doc.76–17806 Filed 6–18–76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69–19; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to provide identical wattage tolerances for headlamps with rectangular and circular lenses.

Standard No. 108 was amended on January 8, 1976 (41 FR 1483), to add S4.1.1.-33 which provided, in subparagraph (c), an allowable tolerance of plus 7.5 percent for the maximum design wattage of headlamps with circular lenses that conform to SAE Standard J579c, Sealed Beam Headlamp Units for Motor Vehicles, December 1974. The question has been raised by Stanley Electric Co., Ltd. of Tokyo, Japan, and General Motors Corp. of Warren, Michigan, whether the same tolerance applies for the maximum design wattage of headlamps with rectangular lenses.

The answer is yes, and S4.1.1.21(b) is amended by this notice to provide an allowable tolerance of plus 7.5 percent for Type 1A and Type 2A headlamps. The 7.5 percent tolerance is the average actual maximum wattage (as opposed to design wattage) rating of headlamps listed in Table 2 of SAE Standard J573d, Lamp Bulbs and Sealed Units, December 1968, as determined by multiplication of the maximum amperage times the design volts, and applies to all Type 1, Type 1A, Type 2 and Type 2A headlamps.

In consideration of the foregoing, subparagraph (b) of S4.1.1.21 is deleted and a new subparagraph (b) is added to read:

§ 571.108 **Standard No. 108; lamps, reflective devices, and associated equipment.**

* * * * *

S4.1.1.21 * * *

(b) Each Type 1A and Type 2A headlamp shall be designed to conform to the applicable dimensional requirements and specifications of Figure 2. At a voltage of 12.8 volts, the maximum design wattage with an allowable tolerance of plus 7.5 percent shall be 50 watts for a Type 1A headlamp and 60 watts for each filament of a Type 2A headlamp.

* * * * *

Effective date: June 21, 1976. Because this amendment clarifies an existing requirement and creates no additional burden upon any person, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

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

Issued on June 14, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-17786 Filed 6-18-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 277 (Sub-No. 1)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

Reservation-Making Process

● Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission has amended its rules and regulations governing the reservation-making process with respect to the holding of unpaid reservation by rail passenger carriers. ●

The Interstate Commerce Commission has previously determined by order served April 10, 1975 (41 FR 7521 Feb. 19, 1976), in Ex Parte No. 277 (Sub-No. 1), Adequacy of Intercity Rail Passenger Service, that this proceeding should be reopened for the limited purpose of considering possible amendments to regulations 4(c) and 5 of its regulations governing the adequacy of intercity railroad passenger service, 49 CFR 1124.4(c) and 1124.5. The amendments under consideration, proposed by The National Railroad Passenger Corporation by petition filed January 28, 1975, would allow rail passenger carriers, pursuant to regulation 4(c), to cancel unpaid reservations sufficiently in advance of train departure to permit resale of space when it is unlikely that such space will be used and, pursuant to regulation 5, to retain a more substantial service charge on refunds of paid reservations which are canceled less than 48 hours prior to departure or not at all. Temporary emergency authorization to cancel unpaid reservations in a manner similar to that proposed as an amended rule 4(c) was promulgated by prior report and order at 346 I.C.C. 75. In response to notice given parties of record and to the general public, pleadings or position statements were filed by Amtrak and The Southern Railway System, in support of the proposed changes, and by the Commission's Bureau of Enforcement in opposition and general comments were forwarded by various members of the public. Upon consideration of the evidence and arguments submitted, the Commission determined, by report and order decided May 26, 1976, among other things, that: (1) a problem had been shown to exist with respect to the blocking out of space on intercity passenger trains by persons who did not use unpaid reservations and did not cancel their reservations sufficiently in advance of train departure to permit resale of the affected train space, (2) this problem could be alleviated to some degree, without placing an undue burden on the public, through permanent adoption of a new regulation 4(c), and (3) adoption of increased service charges as proposed as an amendment to regulation 5 had not been shown to be necessary and would constitute an undue burden on the public.

In consideration of these findings, the Commission has determined that § 1124.4 (c) should be, and is, revised as set forth in the order of the Commission reprinted below.

ORDER

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

Upon further consideration of the record in this proceeding, the report and order of the Commission, dated December 7, 1973, 344 I.C.C. 758, wherein regulations for the adequacy of intercity rail passenger service were promulgated and adopted; the report and order on further consideration of the Commission dated March 27, 1974, 346 I.C.C. 75, wherein certain of the aforesaid regulations were modified temporarily due to the energy problem and other good cause; the petition filed January 28, 1975, by the National Railroad Passenger Corporation (Amtrak) requesting that the Commission reopen this proceeding for the purpose of considering specific modifications of Regulations 4(c) and 5 (§§ 1124.4(c) and 1124.5 of Chapter X of Title 49 of the Code of Federal Regulations) which, if said modifications were adopted, would permit rail passenger carriers, pursuant to regulation 4(c) to cancel unpaid reservations further in advance of train departure when it appears unlikely that such reservations will be used and, pursuant to regulation 5, to withhold a more substantial service charge on refunds of paid reservations which are canceled less than 48 hours prior to train departure or not canceled at all; the order of the Commission dated March 27, 1975, which reopened the proceeding for such purpose; the reply to Amtrak's petition filed April 30, 1975, by the Bureau of Enforcement, Interstate Commerce Commission (Bureau); the position statement, also filed April 30 by the Southern Railway System; the supplemental statement filed September 3, 1975, by Amtrak; the reply thereto filed September 22, 1975, by the Bureau; the letters and comments received from the general public in response to notification of the Commission's order of March 27, 1975; and the Commission on the date hereof having issued its report on further consideration which report is made a part hereof:

It is ordered, That Regulation 4(c) (§ 1124.4(c)) of the Commission's Regulations Governing the Adequacy of Intercity Railroad Passenger Service be, and it is hereby, revised to read as follows:

§ 1124.4 **Reservation-making process.**

* * * * *

(c) Reservations shall be held by the carrier for the customer for a period of time prior to departure without requiring prepayment in accordance with the following schedule:

For reservations made—	*Reservation shall be held at a minimum until—*
0 to 2 d before departure ------	1 h before departure.
3 to 7 d before departure ------	48 h before departure.
8 to 21 d before departure ------	5 d before departure.
22 to 45 d before departure ------	15 d before departure.
46 plus d before departure ------	30 d before departure.

Where warranted by circumstances with respect to specific trains and with prior approval by order of the Commission, a carrier may adopt alternate terms and conditions which permit the cancellation of unpaid reservations further in advance of train departure provided that the customer is permitted a sufficient amount of time to pay for and thereby confirm his reservations. Such alternate terms and conditions shall be filed with the Commission along with statements explaining the circumstances warranting their adoption and shall, if authorized, be subject to modification from time to time upon further order of the Commission.

It is further ordered, That this order shall be effective June 21, 1976.

It is further ordered, That except as herein modified, supplemented, and amended, the report and order of December 7, 1973, in the above-entitled proceeding, as modified, supplemented, and amended shall remain in full force and effect; and

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17983 Filed 6-18-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 280—PACIFIC TUNA FISHERIES

Miscellaneous Amendments; Correction

In FR Doc. 76-7839 appearing at page 11523 in the FEDERAL REGISTER of Friday, March 19, 1976, the following changes should be made:

1. On page 11523 the language to § 280.1(e) is corrected to read as follows:

§ 280.1 Definitions.

* * * * *

(e) *Service director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

2. On page 11525, the portion of the note published is deleted from § 280.6(b) and the note in its entirety is added after the introductory paragraph to § 280.7 as follows:

§ 280.7 Closed season restrictions applicable to fishing vessels.

* * * * *

NOTE.—The amount of yellowfin tuna that may be legally landed by a vessel subject to a specified percent incidental catch rate of yellowfin tuna based upon the round weight of the total catch is determined by the following formula:

$$\text{Quantity of legal yellowfin tuna} = \frac{(\text{Quantity of mingled species}) \times (\text{Specified incidental catch rate in percent})}{(100 \text{ percent}) - (\text{Specified incidental catch rate in percent})}$$

For Example, if the incidental catch rate of yellowfin tuna is 15 percent, then:

$$\text{Quantity of legal yellowfin tuna} = \frac{(\text{Quantity of mingled species}) \times (15)}{85}$$

Dated: June 15, 1976.

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

[FR Doc.76-17928 Filed 6-18-76;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 111]

CUSTOMHOUSE BROKERS

Broker's License Examinations

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 624, 641, 46 stat. 759, as amended (19 U.S.C. 1624, 1641), it is proposed to amend § 111.13(b) of the Customs Regulations (19 CFR 111.13 (b)), pertaining to the administration of examinations for the customhouse broker's license.

Section 111.13(b) of the Customs Regulations provides that the written examinations for a customhouse broker's license will be given at each district office on the first Monday in February, June, and October. A review of the statistics maintained regarding the examinations reveals that if the examinations were given only twice a year, rather than three times as presently required, all districts could easily accommodate the expected increased number of applicants for the February and October examinations, a cost saving to the Government would occur, and the expected increase in administration of special examinations under § 111.13(e) of the Customs Regulations would be slight.

Therefore, it is proposed that § 111.13 (b) of the Customs Regulations be amended to provide that examinations for the customhouse broker's license be given at each district office on the first Monday in April and October.

Accordingly, it is proposed to amend the first sentence of paragraph (b) of § 111.13 of the Customs Regulations (19 CFR 111.13(b)) to read as follows:

§ 111.13 Examination of applicant for individual license.

* * * * *

(b) *Date and place of examination.* Examinations will be given at each district office on the first Monday in April and October. * * *

* * * * *

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments pertaining to the proposed amendment which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before July 21, 1976.

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

VERNON D. ACREE,
Commissioner of Customs.

Approved: June 11, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-18007 Filed 6-21-76;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

ENERGY RESOURCES AND CERTAIN OTHER PRODUCTS

Denial of DISC Benefits

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 6, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by August 6, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 993 (c)(2) of the Internal Revenue Code of 1954 in order to conform such regulations to the provisions of section 603 of the Tax Reducation Act of 1975 (85 Stat. 64) (hereinafter referred to as "the Act"), relating to the denial of DISC benefits with respect to energy resources and other products. The amendments to the regulations apply to sales, exchanges, and other dispositions made after March 18, 1975, in taxable years ending after such date.

Section 992(a)(1)(A) requires that, in order for a corporation to qualify as a DISC, at least 95 percent of its gross receipts for the taxable year must consist of "qualified export receipts." Section 992(a)(1)(B) requires that the adjusted basis of the DISC's "qualified export assets" amount to at least 95 percent of the sum of the adjusted basis of all its assets at the close of the taxable year.

Under section 993(a)(1)(A), gross receipts from the sale, exchange, or other disposition of "export property" constitute "qualified export receipts." Under section 993(b)(1), "qualified export assets" include "export property."

Section 603(a) of the Tax Reduction Act of 1975 adds to section 993(c)(2) of the Code two new categories of property that are excluded from qualifying as "export property."

The first new category of "excluded property," set forth in section 993 (c)(2)(C) of the Code, consists of products of a character with respect to which a deduction for depletion is allowable (including oil, gas, coal, or uranium products) under section 611. These products are referred to in the proposed amendments as "depletable products." However, a product which is, or contains, a depletable product is not "excluded property" if at least 50 percent of its fair market value is attributable to manufacturing or processing, unless such depletable product is a primary product from oil, gas, coal, or uranium.

In accordance with Technical Information Release No. 1442, released February 4, 1976, timber is a depletable product. However, it should be noted that the Tax Reform Act of 1975 (H.R. 10612), which passed the House of Representatives on December 4, 1975, would, if enacted, change this result so that in the case of sales, exchanges, and other dispositions made after March 18, 1975, and before October 3, 1975, timber would not be a depletable product.

The second new category of "excluded property," set forth in section 993 (c)(2)

(D) of the Code, consists of products the export of which is prohibited or curtailed under section 4 (b) of the Export Administration Act of 1969 (50 U.S.C. App. 2403 (b)) to effectuate the policy set forth in paragraph (2) (A) of section 3 of such Act (relating to the protection of the domestic economy). These products are referred to in the proposed amendments as "export controlled products."

PROPOSED AMENDMENTS TO THE REGULATION

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 993 (c) (2) of the Internal Revenue Code of 1954 to section 603 (a) and (b) of the Tax Reduction Act of 1975 (89 Stat. 64), such regulations are amended as follows, effective for sales, exchanges, and other dispositions made after March 18, 1975, in taxable years ending after such date:

Paragraph 1. Section 1.993-3, as set forth in the appendix to the notice of proposed rule making for October 4, 1972 (37 FR 20853), is amended as follows:

1. The introductory material in paragraph (a) is revised by striking "paragraph (g)" and inserting in lieu thereof "paragraph (i)",

2. Paragraph (f) (1) is revised,

3. Paragraph (g) is redesignated as paragraph (i), and

4. Immediately after paragraph (f) new paragraphs (g) and (h) are added.

These revised, redesignated, and added provisions read as follows:

§ 1.993-3 Definition of export property.

* * * * *

(f) *Excluded property*—(1) *In general.* Notwithstanding any other provision of this section, the following property is not export property—

(i) Property described in subparagraph (2) of this paragraph (relating to property leased to a member of a controlled group),

(ii) Property described in subparagraph (3) of this paragraph (relating to certain types of intangible property),

(iii) Products described in paragraph (g) of this section (relating to depletable products), and

(iv) Products described in paragraph (h) of this section (relating to certain export controlled products).

* * * * *

(g) *Depletable products*—(1) *In general.* Under section 993(c)(2)(C), a product or commodity which is a depletable product (as defined in subparagraph (2) of this paragraph) or contains a depletable product is not export property if—

(i) It is a primary product from oil, gas, coal, or uranium (as described in subparagraph (3) of this paragraph), or

(ii) It does not qualify as a 50-percent manufactured or processed product (as described in subparagraph (4) of this paragraph).

(2) *Definition of "depletable product".* For purposes of this paragraph, the term "depletable product" means any product or commodity of a character with respect to which a deduction for depletion is allowable under section 611. Thus, the term depletable product includes timber and any mineral extracted from a mine, an oil or gas well, or any other natural deposit, whether or not the DISC or related supplier is allowed a deduction, or is eligible to take a deduction, for depletion with respect to the timber or mineral in computing its taxable income. Thus, for example, iron ore purchased by a DISC from a broker is a depletable product in the hands of the DISC for purposes of this paragraph even though the DISC is not eligible to take a deduction for depletion under section 611.

(3) *Primary product from oil, gas, coal, or uranium.* A primary product from oil, gas, coal, or uranium is not export property. For purposes of this paragraph—

(i) *Primary product from oil.* The term "primary product from oil" means crude oil and all products derived from the destructive distillation of crude oil, including—

(A) Volatile products,

(B) Light oils such as motor fuel and kerosene,

(C) Distillates such as naphtha,

(D) Lubricating oils,

(E) Greases and waves, and

(F) Residues such as fuel oil.

For purposes of this paragraph, a product or commodity derived from shale oil which would be a primary product from oil if derived from crude oil is considered a primary product from oil. For purposes of this paragraph, petrochemicals are not considered primary products from oil.

(ii) *Primary product from gas.* The term "primary product from gas" means all gas and associated hydrocarbon components from gas wells or oil wells, whether recovered at the lease or upon further processing, including—

(A) Natural gas,

(B) Condensates,

(C) Liquified petroleum gases such as ethane, propane, and butane, and

(D) Liquid products such as natural gasoline.

(iii) *Primary product from coal.* The term "primary product from coal" means coal and all products recovered from—

(A) The carbonization of coal, including coke and coal chemicals such as coke-oven gas, coke-oven ammonia, coal tar and derivatives, and crude light oil and derivatives,

(B) The gasification of coal, including coal-derived synthesis gas and derivatives such as ammonia or methanol, and

(C) The liquifaction of coal, including coal-derived liquids and derivatives such as benezene, toluene, xylenes, phenol, cresylic acids, and napthalene.

(iv) *Primary product from uranium.* The term "primary product from uranium" means uranium ore and uranium concentrates (known in the industry as "yellow cake"), and nuclear fuel materials derived from the refining of uranium ore and uranium concentrates, or produced in a nuclear reaction, including—

(A) Uranium hexafluoride,

(B) Enriched uranium hexafluoride,

(C) Uranium metal,

(D) Uranium compounds, such as uranium carbide,

(E) Uranium dioxide, and

(F) Plutonium fuels.

(v) *Primary products and changing technology.* The primary products from oil, gas, coal, or uranium described in paragraphs (g)(3)(i) through (iv) of this section and the processes described in those subdivisions are not intended to represent either the only primary products from oil, gas, coal, or uranium, or the only processes from which primary products may be derived under existing and future technologies.

(4) *50-percent manufactured or processed product*—(i) *In general.* A product or commodity (other than a primary product from oil, gas, coal, or uranium) which is or contains a depletable product is not excluded from the term "export property" by reason of section 993(c)(2)(C) if it is a 50-percent manufactured or processed product. Such a product or commodity is a "50-percent manufactured or processed product" if, after the cutoff point of the depletable product, it is manufactured or processed (as defined in paragraph (g)(4)(ii) of this section) and either the cost test described in paragraph (g)(4)(iv) of this section or the fair market value test described in paragraph (g)(4)(v) of this section is satisfied. To determine cutoff point, see paragraphs (g)(4)(vi) and (vii) of this section.

(ii) *Manufactured or processed.* A product is manufactured or processed if it is manufactured or produced within the meaning of paragraph (c)(2) of this section, except that for purposes of this subparagraph the term manufacturing or processing does not include any excluded process (as defined in paragraph (g)(4)(iii) of this section) and the term conversion costs (as used in subparagraph (iv) of such paragraph (c)(2)) does not include any costs attributable to any excluded process.

(iii) *Excluded processes.* For purposes of this paragraph, excluded processes are extracting and harvesting (*i.e.*, all processes which are applied before the cutoff point of the mineral or the timber to which such processes are applied), and handling, packing, packaging, grading, storing, and transporting.

(iv) *Cost test.* A product or commodity will qualify as a 50-percent manufactured or processed product if—

(A) Its manufacturing and processing costs (that is, the portion of the cost of goods sold or inventory amount of the product or commodity attributable to the aggregate cost of manufacturing or processing each mineral or the timber contained therein) equal or exceed

(B) An amount equal to either of the following:

(1) 50 percent of its cost of goods sold or inventory amount (decreased, at the DISC's option, by the portion of such cost or amount the DISC establishes is allocable to the difference between each prior owner's selling price for each depletable product contained in such product or commodity and such prior owner's cost of goods sold with respect thereto).

(2) The aggregate of the cost at the cutoff point (see paragraphs (9)(4)(vi) and (vii) of this section) properly attributable to each mineral or the timber contained in such product or commodity. However, in the case of a mineral, if this subparagraph (2) is applied, then the amount in (A) of this subparagraph (iv) shall be decreased and the amount in this subparagraph (2) shall be increased, by so much of the cost of goods sold or inventory amount of the product or commodity as is properly allocable to any process other than transportation applied after the cutoff point of such mineral which would be a mining process (within the meaning of § 1.613–4) were it applied before such point.

(v) *Fair market value test.* A product or commodity will qualify as a 50-percent manufactured or processed product if—

(A) The excess of its fair market value on the date it is sold, exchanged, or otherwise disposed of (or, if not sold, exchanged, or otherwise disposed of, the last day of the DISC's taxable year) over the portion thereof properly allocable to excluded processes other than extracting and harvesting is equal to or greater than

(B) Twice the aggregate of the fair market value at the cutoff point for each mineral or the timber contained in such product or commodity.

For purposes of this subparagraph (v), the fair market value of a product or commodity on the date it is sold, exchanged, or otherwise disposed of is the price at which it is disposed of, subject to any adjustment that may be required under the arm's length standard of section 482 and the regulations thereunder. If such product or commodity is not sold, exchanged, or otherwise disposed of, then, for purposes of section 992(a)(1)(B) (relating to the 95-percent test with respect to qualified export assets), the fair market value of a product or commodity on the last day of the DISC's taxable year is the arm's length price at which such product or commodity would have been sold on such date, determined by applying the principles of section 482 and the regulations thereunder.

(vi) *Cutoff point of a mineral.* For purposes of this subparagraph, in the case of a depletable product other than timber—

(A) The cutoff point is the point at which gross income from the property (within the meaning of section 613(a)) was in fact determined.

(B) The cost at the cutoff point is deemed to be the amount of the gross income from the property of the taxpayer eligible for a depletion deduction with respect to the mineral.

(C) The fair market value at the cutoff point is deemed to be the amount of the gross income from the property of the taxpayer eligible for a depletion deduction with respect to the mineral, except that, if (1) the fair market value of a product or commodity on the date specified in paragraph (g)(4)(v)(A) of this section exceeds the aggregate of the fair market value at the cutoff point for each mineral contained therein and (2) 10 percent or more of such excess is attributable to a net increase in the fair market values of such minerals by reason of factors other than manufacturing or processing or the application of excluded processes (such as, for example, increases in the fair market values of some minerals by reason of inflation or speculation exceed decreases in such values of other minerals by reason of deflation or speculation), then the aggregate of the fair market value at the cutoff point for each such mineral shall be increased to reflect the net excess so attributable.

(D) The provisions of this subparagraph (vi) are illustrated by the following example.

Example. An integrated manufacturer, X, on February 1, 1976, had gross income from the property (within the meaning of section 613(a)) of $50 with respect to a specified volume of a mineral. Thus, the cost at the cutoff point of the mineral was $50. X converted the mineral into a product which it sold on July 15, 1976, for $75. Of the $25 excess of the selling price over the gross income from the property, $23 was attributable to manufacturing, processing, and the application of excluded processes, and $2 was attributable to an increase in the fair market value of the mineral due to inflation between February 1 and July 15, 1976. Since only 8 percent of such excess ($2/$25) was attributable to factors other than manufacturing, processing, and the application of excluded processes, the fair market value at the cutoff point of the mineral is $50. However, had $3 of the $25 excess, or 12 percent, been attributable to an increase in the fair market value of the mineral due to inflation, then the fair market value at the cutoff point of the mineral would be $53.

(vii) *Cutoff point of timber.* For purposes of this subparagraph, the cost and fair market value of timber at the cutoff point are each deemed to be the sum of—

(A) Its fair market value as of the first day of the taxable year in which the timber is cut, and

(B) The cost incurred before the cutoff point attributable to felling, bucking, trimming, yarding or skidding, and loading at the dump or landing.

The taxable year referred to in (A) of this subdivision is the table year of the taxpayer which cut the timber. The cutoff point for timber occurs immediately after the round wood or logs have been picked up at the point at which they are first bunched or gathered together and loaded for further transport (*e.g.*, placed on a truck, on a railroad car, or in a waterway), or if earlier, immediately after the round wood or logs have been bunched or gathered together for manufacturing or processing in the woods (*e.g.*, placed in a chipper). This subdivision shall apply to all timber whether or not the taxpayer cutting the timber qualified to make, or made, the election under section 631(a).

(viii) *Special rule for certain used products and scrap products.* If a product or commodity is a used 50-percent manufactured or processed product, or is recovered as scrap from a 50-percent manufactured or procesed product, such product or commodity will be treated as a 50-percent manufactured or processed product.

(ix) *Special rule for byproducts and waste products.* For purposes of applying the cost test or fair market value test of paragraphs (g)(4)(iv) or (v) of this section if a depletable product is recovered from a manufacturing process as a byproduct or waste product, then the cost and fair market value at the cutoff point are each deemed to be the lesser of—

(A) The fair market value of the waste product or byproduct containing the depletable product, determined as of the date the byproduct or waste product is recovered, or

(B) The amount the cost at the cutoff point would be for a depletable product of like kind and grade which is extracted or harvested, determined as of the date the byproduct or waste product is recovered.

For purposes of (B) of this subparagraph, the cutoff point for the depletable product of like kind and grade is deemed to be the point at which gross income from the property would be determined if such depletable product were sold by the taxpayer eligible to take a deduction for depletion after the completion of all mining processes applied to the depletable product and before the application of any nonmining process.

(x) *Proof of satisfaction of 50-percent manufactured or processed test.* (A) No substantiation is required to establish that either the cost test or the fair market value test of paragraphs (g)(4)(iv) or (v) of this section is satisfied or that a product or commodity qualifies under paragraph (g)(4)(viii) of this section as either a used 50-percent manufactured or processed product or as scrap from a 50-percent manufactured or processed product as long as it is reasonably obvious, on the basis of all relevant facts and circumstances, that either the cost test or fair market value test is satisfied, or that the product or commodity qualifies as either as used 50-percent manufactured or processed product or as scrap from a 50-percent manufactured or processed product. Thus, for example, in the case of a DISC exporting a high precision lens at least 50 percent of the fair market value of which is obviously attributable to grinding, no substantiation of gross income from the property properly allocable to the depletable products contained in the lens, costs, or fair market values will be required.

(B) In cases in which satisfaction of either the cost test or the fair market value test is not reasonably obvious, a DISC will be required to substantiate

the gross income from the property properly allocable to each depletable product in a product or commodity and either all costs or fair market values relied upon the DISC.

(C) For purposes of substantiating (*1*) gross income from the property properly allocable to a depletable product, (*2*) costs, and (*3*) fair market values, the DISC and related supplier shall each identify items in (or that were in) inventory in the same manner each used to identify items in inventory for purposes of computing Federal income tax.

(xi) *Application of 50-percent test.* The 50-percent test described in this subparagraph is applied on an item-by-item basis. If, however, a DISC sells a substantial volume of substantially identical products or commodities and if all or a group of such products or commodities contain substantially identical depletable products in substantially the same proportions and have cost or fair market value relationships (as the case may be) that are in substantially the same proportions, such DISC may apply the 50-percent test on an aggregate basis with respect to all such products or commodities, or group, as the case may be.

(5) Effective dates: Section 993(c)(2)(C) applies—

(i) With respect to any product or commodity not owned by a DISC, to sales, exchanges, or other dispositions made after March 18, 1975, with respect to which the DISC derives gross receipts.

(ii) With respect to any product or commodity acquired by a DISC after March 18, 1975.

(iii) With respect to any product or commodity owned by a DISC on March 18, 1975, to sales, exchanges, or other dispositions made after March 18, 1976, and to owning such product or commodity after such date.

For purposes of this subparagraph, the date of a sale, exchange, or other disposition of a product or commodity is the date as of which title to such product or commodity passes. The accounting method of a person is not determinative of the date of a sale, exchange, or other disposition.

(h) *Export controlled products*—(1) *In general.* Under section 993(c)(2)(D), an export controlled product is not export property. For purposes of this paragraph, the term "export controlled product" means any product or commodity the export of which is prohibited or curtailed under section 4(b) of the Export Administration Act of 1969 (50 U.S.C. App. 2403 (b)) to effectuate the policy set forth in paragraph (2)(A) of section 3 of such Act. The policy set forth in paragraph (2)(A) of section 3 of such Act. The policy set forth in paragraph (2)(A) of section 3 of the Export Administration Act of 1969 is "to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

(2) *Products considered export controlled products*—(i) *In general.* For purposes of this paragraph, an export controlled product is a product or commodity which is subject to short supply export controls under 15 CFR Part 377. A product or commodity is considered an export controlled product for the duration of each control period which applies to such product or commodity. A control period of a product or commodity begins on and includes the initial control date (as defined in paragraph (o)(2)(ii) of this section) and ends on and includes the final control date (as defined in paragraph (n)(2)(iii) of this section).

(ii) *Initial control date.* The initial control date of a product or commodity which was subject to short supply export controls on March 19, 1975, is March 19, 1975. The initial control date of a product or commodity which is subject to short supply export controls after March 19, 1975, is the effective date stated in the regulations to 15 CFR Part 377 which subjects such product or commodity to short supply export controls. If there is no effective date stated in such regulations, the initial control date of such product or commodity is the date on which such regulations are filed for publication in the FEDERAL REGISTER.

(iii) *Final control date.* The final control date of a product or commodity is the effective date stated in the regulations to 15 CFR Part 377 which removes such product or commodity from short supply export controls. If there is no effective date stated in such regulations, the the final control date of such product or commodity is the date on which such regulations are filed for publication in the FEDERAL REGISTER.

(3) *Effective dates*—(i) *Products controlled on March 19, 1975.* If a product or commodity was subject to short supply export controls on March 19, 1975, section 993(c)(2)(D) applies—

(A) With respect to any such product or commodity not owned by a DISC, to sales, exchanges, other dispositions, or leases made after March 18, 1975, with respect to which the DISC derives gross receipts,

(B) With respect to any such product or commodity acquired by a DISC after March 18, 1975, and

(C) With respect to any such product or commodity owned by a DISC on March 18, 1975, to sales, exchanges, other dispositions, and leases made after March 18, 1976, and to owning such product or commodity after such date.

(ii) *Products first controlled after March 19, 1975.* If a product or commodity becomes subject to short supply export controls after March 19, 1975, section 993(c)(2)(D) applies to sales, exchanges, other dispositions, and leases of such product or commodity made on or after the initial control date of such product or commodity, and to owning such product or commodity on or after such date.

(iii) *Date of sale, exchange, lease, or other disposition.* For purposes of this subparagraph, the date of sale, exchange, or other disposition of a product or commodity is the date as of which title to such product or commodity passes. The date of a lease is the date as of which the lessee takes possession of a product or commodity. The accounting method of a person is not determinative of the date of sale, exchange, other disposition, or lease.

(i) *Property in short supply.* * * *

* * * * *

Par. 2. Section 1.993–4(a)(2)(vi), as set forth in the appendix to the notice of proposed rule making for October 4, 1972 (37 FR 20853), is amended by adding a sentence to the end thereof. The added provision reads as follows:

§ 1.993–4 Definition of producer's loans.

(a) *General rule.* * * *

(2) *Application of this section.* * * *

(vi) *Events subsequent to time loan is made.* * * * As a further example, for purposes of applying the borrower's export related assets limitation described in paragraph (b) of this section, a loan which qualifies as a producer's loan when made will not later be disqualified if property, the gross receipts from the sale or lease of which were includible in the numerator of the fraction described in paragraph (b)(3)(i) of this section at the time of sale or lease by the borrower, is later characterized as excluded property (as defined in § 1.993–3(f)).

* * * * *

[FR Doc.76–18020 Filed 6–18–76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 5]

COMMERCIAL AND NONCOMMERCIAL OPERATIONS

Trips in Areas of the National Park System

Proposed regulation of commercial activities generally and proposed regulations for commercial trips in areas of the National Park System.

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916, (39 Stat. 535, as amended and supplemented; 16 U.S.C. 3 et seq.) and 245 DM–1 (34 FR 13879, as amended), it is proposed to revise and redesignate portions of Part 5 of the general regulations as set forth below.

It is the intent of these proposed changes to give the public more complete notice as to what activities constitute prohibited commercial activities within park areas. Section 5.3 currently prohibits engaging in any business within park areas except in accordance with a permit, contract or other written agreement with the United States. In addition, other sections of Part 5 contain more specific restrictions in certain categories of such business activites. However, the general prohibition, § 5.3, contains no definition of "business operations." The proposed replacement for

§ 5.3 (to be renumbered as § 5.1), set forth below, remedies this situation by defining "commercial activities" within park areas generally, and includes by reference more specific definitions where necessary to regulate particular categories of commercial activities.

In addition to the general definition of commercial activities set forth in § 5.1, the proposed regulations in § 5.6 describe with particularity the types of group trips to parks which are considered to be commercial and thus prohibited unless authorized by permit, contract or other written agreement.

The separation of commercial group trips to parklands (such as, but not limited to, sightseeing, hiking, camping, canoeing, horseback, boating and bicycling) from those conducted by certain private individuals, groups and organizations has not been fully defined under existing regulations, and parties claiming noncommercial status have at times engaged in businesslike practices. These practices have compromised claims to noncommercial status, and, in some instances, have constituted *de facto* commercial service without approval or adequate supervision and/or have infringed upon the contract privileges of authorized concessioners. In parks where some forms of use have been restricted through allocation, there has also been an infringement upon the privileges of legitimate noncommercial users. The proposed new regulations seek to remedy these problems.

Specifically, the proposed amendments provide that any profitmaking organization conducting trips shall be considered to be commercial within the meaning of these regulations; provides a permit requirement for such activities; and establishes the criteria for differentiating between commercial and noncommercial trips.

As stated, the proposed § 5.1 prohibits commercial activities within park areas except where authorized by permit, contract or other written agreement with the United States. In the administration of this provision, the National Park Service will utilize several types of written documents to authorize commercial activities: concession contracts; concession permits; cooperative agreements; and special use permits. It is the policy of the National Park Service to issue these respective types of documents as required by the particular circumstances pursuant to the following general guidelines:

1. *Concession contracts* are negotiated where a business entity is authorized and required to provide commercial services within park boundaries to serve the needs of visitors as determined to be necessary by the National Park Service. This authorization may involve the granting of a preferential right for specific services, or all services, and may include a portion of, or all of, a park area depending on the public interest served and the viability analyses of such operation. It may also involve a substantial investment by a concessioner in personalty or realty, a possessory interest in real property, and/or a term of five years or more.

2. *Concession permits* are issued where a business entity is authorized to provide commercial services within park boundaries on a regular basis to serve the needs of visitors as determined to be necessary by the National Park Service. This authorization normally does not contain the provisions referred to with respect to concession contracts, and is generally utilized where services may be discontinued and removed with no compensatory interest, at the discretion of the National Park Service.

3. *Cooperative agreements* are entered into when individuals, corporations, and other agencies, including non-profit organizations, are requested by the National Park Service to undertake, with the cooperation of the National Park Service, activities which assist the National Park Service in carrying out park programs and interpretation of park areas. These may or may not be commercial in nature.

4. *Special use permits* are issued only when none of the above described documents are suitable because the commercial activities authorized do not necessarily serve park visitors and concession permits or contracts are not required for resource and management purposes or for visitor need or demand on a continuing basis. They are temporary in nature and revocable at any time.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations and amendments to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, on or before August 20, 1976.

It is proposed to amend Title 36, Code of Federal Regulations, by revising, amending, and redesignating certain sections of Part 5 as set forth below:

§ 5.1 [Redesignated]

1. Section 5.1, *Advertisements*, is redesignated as Section 5.2.

2. Section 5.3, *Business operations*, is deleted and replaced by a § 5.1 reading as follows:

§ 5.1 Commercial activities generally.

(a) Engaging in any commercial activity on Federally-owned lands or waters in park areas, except in accordance with the provisions of a permit, contract or other written agreement with the United States, or as may be specifically authorized under special regulations applicable to a park area, is prohibited.

(b) Unless more specifically defined in this part or by special regulations in connection with a particular park and/or category of commercial activity, a commercial activity within the meaning of this section is defined as any activity which is undertaken for or results in monetary gain, benefit or profit to an individual, organization, or corporation, whether or not such entity is organized for purposes recognized as non-profit under State or Federal law.

§ 5.2 [Redesignated]

3. Section 5.2, *Alcoholic beverages; sale of intoxicants*, is redesignated as § 5.3.

4. Section 5.4, Commercial passenger carrying motor vehicles, is revised to read as follows:

§ 5.4 Commercial vehicles.

(a) The transportation of passengers by commercial vehicles within areas of the National Park System is prohibited, except as authorized by a written contract or permit from the United States, unless such vehicle is chartered or leased for a noncommercial group trip (not organized by the vehicle's owner or agent thereof) as defined in § 5.6 of this part. Commercial vehicles chartered or leased for such noncommercial group trips may be driven by a salaried operator employed by the owner of the vehicle without such transportation being considered commercial, but the providing of a salaried commentator, guide, or services except transportation by the vehicle's owner or agent shall make such transportation commercial within the meaning hereof.

(b) Notwithstanding the provisions of § 5.4(a), the transportation of passengers by commercial vehicles as defined herein (unless chartered or leased for noncommercial group trips as described in § 5.4(a)), shall be permitted in the following National Parks only by publication of a special regulation to such effect: Crater Lake (prohibition is limited to sightseeing tours on the rim drive); Glacier (prohibition does not apply to that portion of the park road from the Sherburne entrance to the Many Glacier area); Grand Canyon (prohibition does not apply to the North Rim or to nonscheduled tours as defined in § 7.4 of this chapter); Grand Teton (prohibition does not apply to those portions of Highway Nos. 26, 89, 187, and 287 commencing at the south boundary of the park and running in a general northerly direction to the east and north boundaries of the park); Mesa Verde (prohibition does not apply to transportation between points within the park and outside points); Mount McKinley (prohibition does not apply to that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel); Sequoia and Kings Canyon; Yellowstone (prohibition does not apply to nonscheduled tours as defined in § 7.13 of this chapter, nor to that portion of U.S. Highway 191 traversing the northwest corner of the park); and Yosemite.

(c) The term "commercial vehicle" as used in this section shall include, but not be limited to, trucks, station wagons, pickups, passenger cars, buses, or other vehicles when used in transporting property or persons for a fee or profit, either as a direct charge to another person, or otherwise, or used as an incident to pro-

viding services to another person, or used in connection with any business.

(d) The use of park area roads by commercial vehicles is prohibited except as authorized pursuant to § 5.1 or § 5.4 (e) hereof or by the Superintendent in emergencies.

(e) The Superintendent shall issue permits for commercial vehicles to use park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

5. Section 5.6, is revised to read as follows:

§ 5.6 Commercial trips.

(a) A group trip to areas of the National Park System is commercial within the meaning of § 5.1 if it results in, whether or not intended, the monetary profit, gain or benefit of the operator or organizer. The collection of any fee, charge, or other compensation actually, or intended to be, in excess of the actual cost or expenses incurred for the purposes of a group trip shall make the group trip commercial within the meaning of these regulations.

(b) A group trip is not a commercial activity where there is a bona fide prorata sharing of expenses and where no fee, charge or other compensation is collected from individual participants in excess of actual costs or expenses incurred. Non-profit status of any group or organization under the Internal Revenue or Postal laws or regulations does not in itself determine whether a trip or trips arranged by such a group or organization are noncommercial. Any person, group or organization seeking to qualify as noncommercial shall have the burden of establishing to the reasonable satisfaction of the National Park Service that no profit is intended to be or will be derived from the planned trip. In addition to information customarily required for party registration or backcountry use permits, the Superintendent may require that supplemental documentation be furnished by applicants for the purpose of establishing noncommercial status.

(c) The terms "actual costs" or "expenses" as used in this section include, without limitation, the actual cost of such items as expendable supplies, equipment rental or purchase, reasonable administrative costs directly attributable to the trip, and necessary transportation. It shall not include any allowance for or subsidy of any other activity of the operator or sponsor, the amortization of nonexpendable supplies or equipment, any allowance for undersubscribed group trips (in circumstances where an organization sponsors a number of such group trips), or any compensation whatsoever for group trip leaders or sponsors: Provided, however, That salaried leaders may accompany a group trip organized by non-profit organizations so long as no part of their salaries are a part of the cost paid by group trip participants. The term "group trip," as used in this section means joint travel by two or more persons.

(d) Nothing in this section shall preclude a requirement for permits, with or without cost, related to resource protection, for noncommercial activities within park areas or the collection of appropriate recreation fees otherwise provided for by law.

§ 5.7 [Redesignated]

6. Section 5.7, Construction of buildings or other facilities, is redesignated as Section 5.10.

§ 5.10 [Redesignated]

7. Section 5.10, Eating, drinking, or lodging establishments, is redesignated as Section 5.7.

8. No changes, either in language or in designation, are made in the following existing sections of Part 5: §§ 5.5, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 5.16.

GARY EVERHARDT,
Director,
National Park Service.

[FR Doc.76-17966 Filed 6-18-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Flue-Cured Tobacco Producers' Designation of Warehouses at Which They Will Market Their Tobacco

Notice is hereby given that Commodity Credit Corporation is considering amendments to the Tobacco Loan Program regulations (39 F.R. 20066 as amended, 40 F.R. 24175) to modify the procedures with respect to the flue-cured tobacco producers' designation of the warehouses at which they will market their tobacco.

Under present regulations, there are specified periods during the flue-cured tobacco marketing season during which producers may redesignate or initially designate the warehouses at which they will market their tobacco. In accordance with regulations under Part 29 of this title, the quantities designated to each warehouse determine the amount of sales opportunities which are available at each warehouse and which are shared by the producers who designated the warehouse. Following each redesignation period, the amount of sales opportunity at each warehouse is adjusted to reflect the changes in the quantities designated to each warehouse. Such adjustments require about a week following the end of the redesignation period.

Redesignation periods are provided to afford producers, who are dissatisfied with services being furnished by the warehouses which they have designated with an opportunity to change their designations to other warehouses of their choice. Each redesignation period is of five days duration so as to provide sufficient time to accommodate all producers who desire to redesignate.

Under present regulations, the producers' redesignations are effective immediately upon the execution of certain documents. Thus, a producer who redesignates may compete for the sales opportunity at the redesignated warehouse before that warehouse's sales opportunity has been adjusted to reflect the redesignated tobacco. If the redesignation is early in the redesignation period, a producer may obtain a sale at the redesignated warehouse in time to redesignate other warehouses during the same redesignation period. In instances where the redesignation procedures result in a producer utilizing sales opportunity at one or more warehouses before the warehouses' sales opportunity has been adjusted to provide sales opportunity for the redesignated tobacco, the producer would usurp sales opportunity which had been provided the warehouse for the sale of tobacco previously designated by other producers.

Under the proposed amendments, this inequity would be eliminated since a producer could not redesignate on more than one day during each redesignation period and the redesignation would not be effective until the second Monday following the Friday on which the redesignation period ends.

Consideration will be given to data, views and recommendations pertaining to the proposal set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received by the Director not later than July 6, 1976. The comment period is being limited to 15 days because the markets are expected to open in early July and producers' marketing plans may be affected by this proposal. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

It is proposed that 7 CFR 1464.2 be amended by revising paragraphs (e)(2)(ii), (v) and (vi) as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(2) * * *

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year. Producers who lease quota or whose farm is reconstituted (the combining or dividing of a farm due to a change in operation) after such period may designate the warehouse or warehouses at which the tobacco involved will be marketed, as advised by the county ASCS office, pursuant to procedures to be established by the Deputy Administrator, Programs, ASCS. Producers who have designated warehouses which cease to operate or cease to have tobacco in-

spection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

Redesignations (changes in warehouses designated or in pounds designated to the warehouses) or initial designations for undesignated farms may be made during the five work days ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco. For tobacco produced on any farm such redesignation or initial designation shall be made on any one day of each redesignation period. Such redesignation or initial designation shall be effective on the second Monday following the Friday on which the redesignation period ends.

(iv) * * *

(v) *Entering warehouse designation information.* The warehouse code number of the warehouse the producer has designated for his tobacco will be indicated on the farm marketing card. If an effective date is determined in accordance with paragraph (e)(2)(iii) of this section, such effective date will be shown on the farm marketing card. If the producer has not designated a warehouse, a warehouse number code will not be shown on the marketing card. Changes in designation by the producer shall be accomplished by the producer returning his marketing card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any marketing card to another eligible warehouse or warehouses.

(vi) *Use of warehouse designation information.* (a) A separate sale bill marked "no price support" shall be prepared for that quantity of tobacco weighed in that is in excess of the balance of the pounds designated as shown on the marketing card;

(b) The warehouse shall mark "no price support" on a sale bill for any tobacco which is presented for sale and which is accompanied by a marketing card which does not show a warehouse code, which shows a code of another warehouse or which shows an effective date which is later than the date on which the tobacco is presented for sale.

* * * * *

Signed at Washington, D.C. on June 17, 1976.

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

[FR Doc.76-18065 Filed 6-18-76;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Parts 1, 3 and 4]

CERTIFICATE OF MAILING OF CORRESPONDENCE

Delays in Mail Delivery

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) as amended on October 5, 1971 (Public Law 92-132, 85 Stat. 364), and in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) as amended on January 2, 1975 (Pub. L. 93-596, 88 Stat. 1949) the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by adding §§ 1.8, 3.55 and 4.23.

These rule changes are intended to solve, in part, the problems caused by delays in the delivery of papers by mail to the Patent and Trademark Office within the time periods set for response by applicants. A procedure similar to this proposal, dated December 23, 1975 was published in the Official Gazette on January 20, 1976 at 942 O.G. 1073 for comment. Comments received in response to this proposal have been considered in the preparation of this proposed rule change and will be given further consideration before the promulgation of any rule. A number of changes have been made in the earlier proposal as a result of these comments.

All persons are invited to present their views, objections, recommendations or suggestions relating to the proposed rule changes in writing to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on or before August 20, 1976. All comments received will be available for public inspection in Room 11E10 of Building 3, at 2021 Jefferson Davis Highway, Arlington, Virginia. No oral hearing will be held.

Comments previously submitted relating to the notice of December 23, 1975 need not be resubmitted since they will again be evaluated along with any comments received directed to these proposed rules.

This proposal has been reviewed pursuant to E.O. 11821 and OMB Circular A-107 and determined to have no major inflationary impact.

The promulgation of the proposed rule change is within the authority granted the Commissioner under 35 U.S.C. 6 since it is "not inconsistent with law" and since it is "for the conduct of proceedings in the Patent and Trademark Office."

Under the proposed rules, generally, where a time is set for taking action in any pending patent or trademark application or in most patent or trademark proceedings pending before the Patent and Trademark Office, correspondence or fees will be considered as being timely filed if (1) deposited with the United States Postal Service within the time set for response, and (2) accompanied by a certificate indicating when the correspondence or fee was so deposited. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated.

The proposed procedure would relate to all actions taken before the Patent and Trademark Office except:

(1) The filing of patent and trademark applications;

(2) The filing of agreements between parties to an interference under 35 U.S.C. 135(c); and

(3) The following requirements of the Trademark Act applying to the registration of a mark;

(i) The filing of an affidavit showing that a mark is still in use or containing an excuse for nonuse under Section 8(a) or (b) or Section 12(c);

(ii) The filing of an application for renewal of a registration under Section 9;

(iii) The filing of a petition to cancel a registration of a mark under Section 14(a) or (b); and

(iv) The filing of an affidavit under Section 15, subsection (3).

The date of deposit in the mails will be considered only to determine the timeliness of the response. The actual date of receipt of the correspondence or fee will continue to be used for all other purposes, such as for example, determining when an appeal brief is due (two months after the receipt of the Notice of Appeal, 37 CFR 1.192).

The proposed addition of a new section 1.8(a) would establish the Certificate of Mailing procedure. Proposed new § 1.8 (b) would establish a procedure for situations where correspondence is deposited under § 1.8(a) but is not delivered.

Proposed form § 3.55 is designed for use in patent cases and proposed form § 4.23 is designed for use in trademark cases when making a certificate under § 1.8(a).

It is therefore proposed to amend 37 CFR, Chapter 1, as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. By adding a new § 1.8 which reads as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the United States Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit (see forms §§ 3.55 and 4.23). The actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of original or reissue patent applications;

(ii) The filing of trademark applications;

(iii) The filing of agreements between parties to an interference under 35 U.S.C. 135(c);

(iv) The filing of an affidavit showing that a mark is still in use or containing an excuse for nonuse under Section 8(a) or (b) or Section 12(c) of the Trademark Act;

(v) The filing of an application for renewal of a mark registration under Section 9 of the Trademark Act;

(vi) The filing of a petition to cancel a registration of a mark under Section

14(a) or (b) of the Trademark Act; and

(vii) The filing of an affidavit under Section 15, subsection (3) of the Trademark Act.

(b) In the event that correspondence or fees are timely mailed in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence or fee will be considered timely if the party who forwarded such correspondence or fee (1) informs the Office of the previous mailing of the correspondence or fee promptly after becoming aware of the Office action, (2) supplies an additional copy of the previously mailed correspondence or fee and certificate, and (3) includes a declaration under 37 CFR 1.68 or 2.20 which attests to the previous timely mailing.

PART 3—FORMS IN PATENT CASES

2. By adding a new § 3.55 which reads as follows.

§ 3.55 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

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Date

Name of applicant, assignee, or Registered Representative

Signature

Date

PART 4—FORMS IN TRADEMARK CASES

3. By adding a new § 4.23 which reads as follows.

§ 4.23 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

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Date

Name of applicant, assignee, or applicant's attorney

Signature

Date

Dated: June 10, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: June 3, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-17968 Filed 6-18-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

[Docket No. 76N-0236]

BOTTLED WATER

Proposed Amendment to Quality Standard

The Food and Drug Administration (FDA) is proposing to amend the quality standard for bottled water in response to the Environmental Protection Agency (EPA) publication of National Interim Primary Drinking Water Regulations in the FEDERAL REGISTER of December 24, 1975 (40 FR 59566). Interested persons have until August 20, 1976 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER are proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled drinking water under Part 128d (21 CFR Part 128d).

After consideration of all comments received on this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner of Food and Drugs proposes that the final regulation be August 20, 1976.

Under section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349), FDA is obligated, whenever EPA "prescribes interim or revised national primary drinking water regulations under section 1412 of the Public Health Service Act," to consult with EPA and within 180 days after EPA promulgates the drinking water regulations to "either promulgate amendments to regulations under this chapter applicable to bottled water or publish in the FEDERAL REGISTER" its reasons for not amending the regulations. This proposal and the proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled drinking water (21 CFR Part 128d), published elsewhere in this issue of the FEDERAL REGISTER, are thus issued in furtherance of FDA statutory obligation under section 410 of the act.

The national interim primary drinking water regulations promulgated by EPA are a first step in the implementation of the Safe Drinking Water Act of 1974 (Pub. L. 93-523). The interim primary regulations relate solely to the public health aspects of water quality and were established on the basis of concern with potential hazards to the public health from drinking water; they are not intended as and do not establish general criteria for overall water quality. Secondary drinking water regulations, to be developed by EPA in the future, will deal with substances that may adversely affect the odor or appearance, or otherwise affect the quality, of drinking water.

MAXIMUM CONTAMINANT LEVELS

The national interim primary drinking water regulations establish maximum contaminant levels (MCL's) for several organic and inorganic substances and set forth limits and testing requirements for coliform bacteria and turbidity.

In response to those regulations, the Commissioner proposes to amend § 11.7 (d) (1) (21 CFR 11.7(d) (1)) of the quality standard. Bottled water shall not contain chemical substances in excess of the concentrations listed in § 11.7(d) (1).

The national interim primary drinking water regulations establish MCL's for the following chemicals:

	Level, milligrams per liter
Inorganic contaminant:	
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05
Organic contaminant:	
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo,endo-5,8,-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-trichloro-2,2-bis[*p*-methoxyphenyl] ethane)	0.1
Toxaphene ($C_{10}H_{10}Cl_8$-technical chlorinated camphene, 67-69 percent chlorine)	0.005
(b) Chlorophenoxys:	
2,4-D (2,4-dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-trichlorophenoxypropionic acid)	0.01

To attain consistency with these MCL's in the quality standard, the Commissioner proposes to amend § 11.7 (d) (1) to add a limit for mercury and the organic chemicals listed in the table above. In Appendix A of the national interim primary regulations, EPA stated that the MCL for chromium is based on the known toxicity of the hexavalent form but that the specified analytical method does not distinguish between the valence states of chromium. Therefore, EPA established the MCL for the total chromium and concluded that if part of the chromium present is in a lower valence state, the MCL for total chromium serves to provide an additional margin of safety. The Commissioner agrees with EPA's conclusions and proposes to delete the reference to hexavalent when listing chromium in § 11.7(d) (1).

The national interim primary regulations also establish an MCL for nitrate nitrogen at 10 milligrams per liter (mg/l). The cited methodology involves

a determination of nitrate nitrogen rather than total nitrate. The quality standard for bottled water establishes a maximum limit of 45 mg/l for total nitrate which is equivalent to 10 mg/l nitrate nitrogen.

To maintain uniformity with the national interim primary regulations, the Commissioner proposes to amend the quality standard to state the nitrate limit as nitrate nitrogen (Nitrate (N)—10 mg/l).

The MCL for cyanide has been deleted from the national interim primary regulations. This action was based on the Community Water Supply Study EPA conducted in 1969. That study did not reveal a single instance in which cyanide was present in a water system at a level greater than one-thousandth of the level at which cyanide is toxic to humans. Available data also indicate that cyanide will be present in water systems at toxic levels only in the event of an accident. It was concluded by EPA that MCL's were neither necessary nor an appropriate way to deal with accidental contamination.

The Commissioner agrees and proposes to delete cyanide from the list of substances in § 11.7(d)(1) of the quality standard.

The quality standard for bottled water also includes maximum allowable concentrations for chloride, copper, iron, manganese, phenols, sulfate, zinc and total dissolved solids and establishes requirements for color and odor. These requirements have been established principally on the basis of their impact on overall water quality rather than on any potential danger to public health. The current standard includes limits for radionuclides in bottled water. The national interim primary drinking water regulations do not address these topics. The Commissioner points out, however, that EPA has stated the interim primary regulations will be revised to include MCL's for radionuclides and that secondary drinking water regulations will be established to deal with substances that affect overall water quality.

The Commissioner advises that FDA will again review the quality standard, focusing on those provisions that deal with radionuclides and overall water quality criteria when EPA promulgates specific regulations (for drinking water) that deal with these matters.

The MCL's established by EPA for turbidity, fluorine content, and microbiological contaminants are comparable to those already included in the quality standard. No changes in the quality standard concerning these substances are proposed.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d)(4) that food standards are not major agency action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment. The Commissioner has also considered the inflation impact of this proposed regulation and has found that the proposal, if adopted, would not cause a major inflation impact as defined in Executive Order 11821, OMB Circular A-107, and Guidelines issued by the Department of Health, Education, and Welfare. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration (address below).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 410, 701; 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 88 Stat. 1694 (21 U.S.C. 341, 343 (h), 349, 371)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

It is proposed that Part 11 be amended in § 11.7 by revising paragraph (d)(1) to read as follows:

§ 11.7 Bottled water.

* * * * *

(d)(1) *Chemical quality*—(i) Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in paragraph (d)(1)(ii) of this section, meet standards of chemical quality and shall not contain chemical substances in excess of the following concentrations:

Substance:	*Concentration in milligrams per liter*
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chloride	250.0
Chromium	0.05
Copper	1.0
Iron	0.3
Lead	0.05
Manganese	0.05
Mercury	0.002
Nitrate (N)	10.0
Phenols	0.001
Selenium	0.01
Silver	0.05
Sulfate	250.0
Total dissolved solids	500.0
Zinc	5.0
Organics:	
Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo,endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-trichloro-2,2-bis[*p*-methoxyphenyl] ethane)	0.1
Toxaphene ($C_{10}H_{10}Cl_8$-technical chlorinated camphene, 67–69 percent chlorine)	0.005
2,4-D (2,4,-dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-trichlorophenoxypropionic acid)	0.01

(ii) Analyses conducted to determine compliance with §11.7(d)(1)(i) of this section shall be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 14th Ed. 1975,[1] or "Methods for Chemical Analysis of Water and Wastes," 1974.[2] Analyses for organic substances shall be determined by appropriate methods described in "Methods for Organochlorine Pesticides in Industrial Effluents,"[3] and "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," November 28, 1973.[3]

* * * * *

Interested persons may, on or before August 20, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 16, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-18063 Filed 6-18-76;8:45 am]

[21 CFR Part 128d]

[Docket No. 76N-0298]

PROCESSING AND BOTTLING OF BOTTLED DRINKING WATER

Proposed Amendments to Current Good Manufacturing Practice Regulations

The Food and Drug Administration (FDA) is proposing to amend the current good manufacturing practice regulations (CGMPR) for the processing and bottling of bottled drinking water in response to the Environmental Protection Agency (EPA) publication of National Interim Primary Drinking Water Regulations in the FEDERAL REGISTER of December 24, 1975 (40 FR 59565). Interested persons have until August 20, 1976 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER is a proposed amendment to the quality standard for bottled water under Part 11 (21 CFR Part 11).

After consideration of all comments received on this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner of Food and Drugs proposes that the final regulation be effective August 20, 1976.

In the FEDERAL REGISTER of November 4, 1975 (40 FR 51194), the Commissioner issued a stay of a portion of the sampling and testing requirements of the CGMPR's for bottled water. Section 128d.5(a)(3) (21 CFR 128d.5(a)(3)) of the CGMPR was stayed insofar as it required more than once a year testing; water samples taken from approved sources are required to be tested no more than once per year as long as the

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[1] Copies are available from: American Public Health Association, 1015 Eighteenth St. NW., Washington, DC 20036.

[2] Office of Technology Transfer, Environmental Protection Agency, Washington, DC 20460.

[3] Methods Development Quality Assurance Research Laboratory, Environmental Protection Agency, Cincinnati, Ohio.

stay remains in effect. The stay was issued because of the inconsistency between EPA's proposed interim primary regulations and the FDA's CGMPR on the frequency of source water sampling and testing. When the stay was issued, the Commissioner indicated that he would reevaluate the sampling and testing requirements upon publication by EPA of final interim primary regulations. This proposal sets forth the Commissioner's tentative conclusions concerning all the GCMPR requirements that presently differ from requirements set forth in EPA interim primary regulations.

Definition of Approved Source

Interim primary drinking water regulations issued by EPA establish different sampling and testing requirements for community and non-community water systems. A community water system is defined by EPA as a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25-year-round residents. Non-community water systems are defined as public water systems that are not community water systems. Basically, they are those systems that serve transients or serve only as an intermittent supply of drinking water to the public. Non-community water systems are not normally the principal source of water for the people they serve.

The Commissioner believes that, for purposes of the sampling and testing requirements, bottled water is appropriately treated as comparable to water from community water systems. Consumers often rely on bottled water as the principal source of drinking water for their families; bottled water cannot be considered as only an intermittent source of drinking water. Thus, sampling and testing of water used by bottled water manufacturers should be, to the extent possible, comparable to those required for drinking water provided by a community water system.

The Commissioner proposes, therefore, to amend the definition of "approved source" in § 128d.1(a) (21 CFR 128d.1(a)) to include only water which has been sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the principles and procedures established by EPA for community water systems and in accordance with the applicable laws and regulations of the government agency or agencies having jurisdiction.

Sampling Frequencies

The variable sampling schedule for microbiological contaminants and organic and inorganic chemicals established by the interim primary regulations takes into account the many different types of water systems currently serving the public and permits tailoring of the schedule to fit the system. A variable sampling schedule may also avoid placing unnecessary economic burdens on small municipal systems; at the same time, a variable schedule establishes a reasonable set of testing requirements that will assure the sanitary quality of drinking water. The Environmental Protection Agency bases the microbiological sampling schedule on several complex interacting criteria including (1) the number of people served by the water system, (2) the number of chlorine residual analyses performed on the water supply, and (3) the geological status (ground or surface water) and microbiological history of the source of supply.

Section 141.21 (40 CFR 141.21) of the interim primary regulations establishes a variable microbiological sampling frequency for community water systems. The Commissioner, however, is of the opinion that a similar approach to sampling and testing frequencies for manufacturers of bottled water is not appropriate. Many of the considerations that led EPA to conclude that a variable sampling schedule was appropriate for community water systems are not applicable to bottled water. A fixed sampling frequency is a more appropriate current good manufacturing practice requirement because: (1) the differences between manufactures of bottled water are slight as compared to the differences between types of community water systems. A uniform sampling frequency imposes no substantial hardships on manufacturers as might a uniform frequency for all community water systems; (2) the bottled water manufacturer is directly responsible for the sanitary quality of the product water; and (3) the cost for uniform testing is not a large burden since quality control procedures are already established for the final bottled water product. The fixed microbiological sampling and testing schedule for bottled water manufacturers as currently required under § 128d.7(g)(1) (21 CFR 128d.7(g)(1)) is proposed to be retained.

The Commissioner also proposes that, if a manufacturer's source water is not obtained from a municipal or public water supply system, the manufacturer sample the source water for microbiological contaminants at least once each week. Water supplies that are not monitored by an appropriately designated government agency or agencies present a hazard, unless such source water is tested for microbiological contaminants regularly and frequently. Testing of the source water is required to measure the effectiveness of processing and to ensure that the source water is suitable for processing.

Similarly, in the case of bottled water, it does not seem appropriate to have different sampling frequencies depending upon whether the source water is from a surface or ground water supply, or to have different sampling frequencies for organic and inorganic chemicals. These sampling frequencies are minimum requirements and were included by EPA in the interim primary regulations to permit variations in the testing and sampling frequencies to be varied at the local level as appropriate to individual situations. The interim primary regulations are designed so that the States have primary enforcement responsibility. In contrast, FDA current good manufacturing practice regulations apply to the manufacture of bottled water that may be introduced into interstate commerce; uniform criteria are necessary if FDA is to be able to enforce these requirements.

The Commissioner recognizes that EPA has established different sampling frequencies for organic and inorganic chemicals, and that the sampling frequency for nitrate is left to the individual States to determine. A single uniform testing frequency for bottled water is, for the same reasons noted above, more appropriate.

The Commissioner, therefore, proposes to establish a fixed testing frequency for all chemicals regardless of whether the source water is from ground or surface waters. The Commissioner notes that manufacturers are encouraged to perform as many additional analyses as necessary to ensure that the water is safe and sanitary.

Turbidity

In the interim primary regulations, EPA concluded that water turbidity affects the sanitation process and may interfere with microbiological testing. Section 141.13 (40 CFR 141.13) of the interim primary regulations establishes a maximum contaminant level (MCL) for turbidity. In addition, EPA requires suppliers of both community and non-community water systems to take turbidity measurements daily if the water supply is derived in whole or in part from surface water sources (40 CFR 141.22). Although turbidity measurements are easily obtained at relatively low cost, the Commissioner concludes that daily turbidity measurements are not necessary when water is bottled under controlled conditions involving specific processing such as distillation. The Commissioner does not propose to include a specific testing requirement for turbidity in the CGMPR except for that already required under § 128d.7(a) when testing product water after processing, and under § 128d.7(g)(2) when testing the plant's production of bottled water for physical qualities.

The Commisisoner has carefully considered the environmental effects of the proposed regulation and has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 409, 410, 701(a), 52 Stat. 1046, 1055, 72 Stat. 1785-1788 as amended, 88 Stat. 1694 (21 U.S.C. 342(a)(4), 348, 349, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the Federal Register

of June 15, 1976 (41 FR 24262)). It is proposed that Part 128d be amended as follows:

§ 128d.1 Definitions.

(a) "Approved source" when used in reference to a plant's product water or operations water means that the source of the water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source shall have been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality, in accordance with the principles and procedures established by the Environmental Protection Agency for community water systems and in accordance with the applicable laws and regulations of the government agency or agencies having jurisdiction. The presence, in the plant, of current certificates or notifications of approval from the government agency or agencies having jurisdiction shall constitute approval of the source and the water supply.

* * * * *

2. By revising § 128d.5(a)(3)(i) to read as follows:

§ 128d.5 Sanitary facilities and controls.

* * * * *

(a) * * *

(3) *Product water and operations water from approved sources.* (i) Water samples shall be taken and analyzed for chemical and radiological contaminants from approved sources by the plant as often as is necessary but at a minimum frequency of once each year to assure that the supply is in conformance with the applicable standards, laws, and regulations of the government agency or agencies having jurisdiction. The sampling and analysis shall be by qualified plant personnel and shall be in addition to any sampling performed by the government agency or agencies having jurisdiction. Samples of source water obtained from other than municipal or public water systems shall be taken and analyzed for microbiological contaminants at least once each week. Records of both government agency approval of the water source and the sampling and analysis performed by the plant shall be maintained on file at the plant.

* * * * *

Interested persons may, on or before August 20, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fisheries Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 16, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-18062 Filed 6-18-76;8:45 am]

[21 CFR Part 436]

[Docket No. 76N-0174]

pH TEST

Revised Method

The Food and Drug Administration is proposing to amend the antibiotic drug regulations by revising the test method for determining the pH of antibiotic drug products.

It is the intent of the Commissioner of Food and Drugs to describe in more detail the pH test procedure in order to conform more closely with the official compendia and to provide for the use of a combination electrode not currently described in the regulations; comments by August 20, 1976.

The Commissioner has reviewed the potential environmental impact of the proposed amendments and has concluded that the proposed action will not significantly affect the quality of the human environment, and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed amendments and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and Guidelines issued by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration, address below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Part 436 by revising § 436.202 (a), (b), and (d) to read as follows:

§ 436.202 pH.

(a) *Apparatus.* A suitable potentiometer fitted with two electrodes, one being constructed of glass and sensitive to hydrogen ion activity and the other being a calomel or a silver/silver chloride reference electrode. A combination electrode with glass electrode and reference electrode contained in the same system may be used.

(b) *Standardization.* Standardize the pH meter with two buffer solutions that differ by at least 2 pH units and of which one is within 2 pH units of the expected pH value of the sample. Make any necessary adjustment of the meter if the observed pH differs by more than 0.05 pH unit from the known value of either standard solution.

* * * * *

(d) *Test procedure.* Determine the pH of the sample at 25°±2° C. Rinse the electrode(s) between determinations first with distilled water and then with a portion of the next sample to be tested. Store electrode(s) with tips immersed in water.

Interested persons may, on or before August 20, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 11, 1976.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-17922 Filed 6-18-76;8:45 am]

[21 CFR Part 701]

[Docket No. 76N-0153]

COSMETIC INGREDIENT LABELING METHOD

Packages Sold by Direct Mail

The Food and Drug Administration (FDA) proposes to amend the cosmetic ingredient labeling requirement by providing an alternative method for declaration of ingredients in the case of cosmetic packages sold to consumers by direct mail. All interested persons are invited to submit comments on this proposal by August 20, 1976. The other petitions for additional exemptions and alternatives published in a notice in the FEDERAL REGISTER of May 30, 1975 (40 FR 23501) are denied.

In the notice of May 30, 1975, the Commissioner of Food and Drugs treated a number of objections to the amendments to the cosmetic ingredient labeling regulations, published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8918), as petitions for additional exemptions and alternatives to the regulations. Interested persons were invited to submit by July 29, 1975 data and other information in support of the additional exemptions and alternatives sought by the objections. The exemptions and alternatives sought were as follows:

1. Permission to list all ingredients in alphabetical order.

2. Permission to declare only "known allergens."

3. Permission to list color ingredients by the term "color" instead of by specific name.

4. Permission to place ingredient declarations inside small packages of cosmetics.

5. Permission to declare the ingredients for all products by means of off-package labeling.

6. Permission to use off-package labeling for products sold in outer containers.

7. Permission to use 1/32-inch type on packages having a principal display panel not exceeding 5 square inches.

A period of 60 days was provided for the filing of data and information in support of these petitions because they were not then supported by reasonable grounds. A total of 53 comments were received, of which 5 concerned the petitions and 49 reflected related issues.

1. The Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA) requested that "shaded" cosmetics, i.e., products of the categories identified in § 720.4(c) (3), (7), and (8)(v) (21 CFR

720.4(c) (3), (7) and (8)(v)), having a principal display panel not exceeding 5 square inches be permitted to declare ingredients in letters not less than 1/32 of an inch in height, and those with a principal display panel not exceeding 10 square inches be permitted to declare ingredients in letters not less than 3/64 of an inch in height.

In support of the petition, the CTFA maintained that shaded cosmetics sold in folding cartons have individual display panels of less than 5 square inches, that a single panel will not always accommodate the lengthy lists of ingredients of these products when stated in letters of 1/16 of an inch in height, and that the ingredient declarations may therefore have to be continued on adjacent display panels. This condition, it was assumed, would impact on packaging aesthetics and measurably affect marketability of boxed, shaded cosmetics. The comment also asserted that the smaller type size exception was necessary to be consistent with paragraph (c)(1) and (4) of § 1.8d (21 CFR 1.8d) of the regulations, which permits smaller type size on food packages with principal display panels of less than 10 square inches and on bottling caps of returnable soda bottles.

The Commissioner concludes that the petition for less than 1/16 inch type on shaded cosmetics should be denied. The request bears strictly upon aesthetic considerations involved with the possible need for a second information panel, but no argument is made that the total area available for labeling is inadequate to bear the required labeling information in letters of 1/16 inch in height.

The Commissioner also notes that the petition fails to explain why the requested type size relief is related to the size of the principal display panel when ingredient labeling need not be placed on this panel. The Commissioner disagrees that an exception is appropriate to be consistent with the exceptions from type size requirements provided in § 1.8d of the regulations for certain foods, because these exceptions involve different considerations. The type size exception for soda bottles was granted because of the difficulties in labeling returnable bottles, which the Commissioner discussed in proposing the exception in the May 24, 1974 FEDERAL REGISTER (39 FR 18284). An exception from type size for food packages is provided for foods that are required to bear lengthy nutrition labeling in addition to full ingredient labeling and other required labeling, and because the aim is to have labeling information for foods appear on specific panels, to the extent possible. In contrast, the declaration of ingredients for cosmetics may appear on any appropriate information panel. Since there is no comparable policy interest in having the information appear on specific panels, there is no comparable justification for type size exemptions that permit the information to fit on a single panel. The Commissioner also points out that the regulations already permit a number of alternative means of declaring ingredients on cosmetics, including affixing cards and tapes to packages with insufficient labeling space. Moreover, the contention that shaded cosmetics deserve special consideration because of their lengthy ingredient lists reflecting an entire shade line when labeled in accordance with § 701.3(g) (1) and (2) and (o) (3), is also insufficient reason to amend the cosmetic ingredient labeling regulations because composite labeling of an entire branded shade line is an alternative requirement.

2. The Soap and Detergent Association (SDA) requested that color ingredients be exempted from declaration on packages of toilet bars that are also cosmetics and that the term "color" be permitted instead of the listing of color ingredients by specific name. In support of their petition, SDA contended that color additives used in cosmetic toilet bars must be approved by FDA for identity, purity, and safety; that cosmetic bars incur fewer adverse reactions than almost any other type of cosmetic, according to data reported voluntarily by the industry to FDA; and that color additives in toilet bars are unlikely to be the cause of the reported adverse reactions. Furthermore, the petitioner expressed the opinion that a declaration of color ingredients is unlikely to influence a consumer's value judgment and may actually be misleading.

The Commissioner concludes that the data and other information submitted by the SDA do not furnish adequate support for the listing of color ingredients on cosmetic toilet soaps by the term "color" instead of by their specific names, and the petition is denied. The relative frequency of adverse reactions experienced by the public at large in the use of a particular kind of cosmetic is irrelevant to the need of an individual who is allergic to a particular ingredient and who needs to be able to determine whether or not that ingredient is present in a cosmetic product. Contrary to the petitioner's assertion that the declaration of colors by their specific names may be misleading, the Commissioner is of the opinion that such declaration will result in more informative labeling and, thus, will facilitate value comparisons.

3. The Consumers Union expressed opposition to any additional exemptions and alternatives listed as petitions in the May 30, 1975 notice. No reasons for opposition were given.

The Commissioner concludes that this comment is inappropriate in that the petitions discussed in the May 30, 1975 notice were not proposals for rule making. A petition must contain factual data and information and must be supported by reasonable grounds before any proposal for rule making can be published for public comment. If and when any of the petitions published in the May 30, 1975 notice or any other petition meets this requirement, the public will be given ample opportunity to comment on proposed regulations that will be published in the FEDERAL REGISTER.

4. Forty-eight comments requested that the kinds and numbers of animals used in testing the safety of cosmetics be stated in cosmetic labeling. One comment suggested that the labels also describe the types of experiments that are conducted with animals. The testing of cosmetics in animals was described as torturous and unconscionable. Another argument was that consumers have a right to know that animals were used for testing.

The Commissioner advises that he does not have authority to require label declarations about animal testing under the Fair Packaging and Labeling Act (15 U.S.C. 1454 et seq.), the statutory authority relied on by the Commissioner in issuing the cosmetic ingredient labeling regulations. The Commissioner has authority under the Federal Food, Drug, and Cosmetic Act to require label statements if a product would be adulterated and/or misbranded without the statements, but the comments have not provided a basis for concluding that regulatory action is appropriate even if those commenting had filed a petition for the issuance of a regulation under that act—the proper procedure for the change sought. Human welfare must be the primary concern of the agency, and the safety of cosmetics can only be adequately established through toxicological testing on animals. If labeling about animal tests discouraged adequate safety testing, it would not be in the public interest. Moreover, it is not clear that information about animal testing would be useful to consumers, even if it were provided on the label, since consumers would ordinarily not be able to evaluate the need for, or the nature of, the tests conducted.

5. Two comments requested permission to declare the ingredients of products marketed to consumers by direct mail by means of off-package labeling. One comment petitioned that, in the case of multiunit packages of returnable cosmetics sold by direct mail in an outer mailing container, the distributor be permitted to list the ingredients of the individual cosmetics in accompanying literature, i.e., a descriptive brochure, which is enclosed with the multiunit package in the mailing container. The other comment requested permission for listing of the ingredients of individual cosmetics either in a descriptive catalog from which the consumer selects and orders the products by direct mail; or, where cosmetics are mailed on consignment in a multiunit package, in accompanying literature, i.e., in a descriptive guide. This guide would be enclosed in the package to be read by the consumer for selecting and using the individual cosmetics.

The comments contend that these methods of off-package ingredient labeling make the information readily available to the consumer, appropriately inform the consumer of the contents of cosmetics prior to purchase and, consequently, avoid deception and facilitate value comparison. It is further claimed that the cosmetics are mostly of small

size and are tightly compartmented, that the labeling area on the outer container is not always adequate for ingredient declarations, and that the container is in many instances destroyed or discarded before the contents are examined.

The Commissioner has reconsidered his earlier opposition to this approach, stated in the FEDERAL REGISTER of March 3, 1975 (40 FR 8918), which was based on a possibility of confusion if several products were mailed together, and a lack of any showing of difficulty in affixing the declaration to the labels of the packages. The Commissioner is now of the opinion that consumers will be appropriately informed, and not be confused, by declarations of ingredients in catalogs that the consumer receives for his personal use and from which he orders cosmetics through the mail, or in labeling that accompanies products distributed through the mail and that relates to the particular cosmetics received. The Commissioner is of the opinion also that the consumer will not be confused by declarations in accompanying labeling because of the opportunity to inspect the labeling when it is received with the cosmetics at home. Furthermore, it is not necessary to require the declaration to be affixed to the package to prevent it from becoming lost during distribution since it is enclosed in the same package with the product. When the declaration of ingredients accompanies delivered products, the declaration must be made in labeling that relates to the particular products delivered and cannot be made in the form of a declaration of ingredients in a general catalog or brochure for all products or various products distributed by the manufacturer because declaration in this manner may be confusing and may not be read by consumers. The Commissioner has proposed other requirements to ensure that the consumer can locate and readily understand the declaration of ingredients when it is made in labeling, including a requirement that the declaration of ingredients be provided to anyone who requests it. The Commissioner points out that, under the regulations, the declaration of ingredients must be made available to consumers in a manner likely to be read under normal conditions of purchase. In determining whether this requirement has been met when the declaration of ingredients accompanies delivery of products distributed through the mail, the Commissioner will take into account whether the consumer has the option to return the product without being charged if not satisfied with the product after reading the declaration.

6. Five comments were received from consumers urging alphabetical listing, a listing of known allergens in a larger type size and/or a listing of ingredients in a package insert in larger type, on the grounds that the listing would be more convenient to consumers who know they are allergic to specific ingredients or be easier for consumers to read.

The comments were conclusive in their assertions and did not provide any data or information to support a change, and no other data or information was submitted in support of these petitions. The comments failed to address the question of whether the form of listing urged in the comments would be useful to consumers for value comparison at the time of purchase. No information was provided on the feasibility of identifying all known allergens for the population at large or the criteria to be used. Lastly, the Commissioner does not believe that changes sought in the comments are necessary to make ingredient declarations easier to read. Even if the comments are correct that the type size is too small to be legible, the appropriate action would be to amend the regulation to require a larger type size rather than to omit useful information or to provide it after purchase. Accordingly, the Commissioner denies these petitions because of the failure to show reasonable grounds for publishing these suggested amendments as proposals. No comments, data, or information were received on the other petitions to amend the regulations and accordingly they are denied.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 70 Stat. 919 as amended (21 U.S.C. 371(e)), the Fair Packaging and Labeling Act (secs. 5(c), 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes that Part 701 be amended in § 701.3 by adding new paragraph (r) to read as follows:

§ 701.3 Designation of ingredients.

* * * * *

(r) In the case of cosmetics distributed to the consumers by direct mail, as an alternative to the declaration of ingredients on an information panel, the declaration of ingredients may appear in letters not less than 1/16 of an inch in height in labeling that accompanies and specifically relates to the cosmetic(s) mailed, or in labeling furnished to each consumer for his personal use and from which he orders cosmetics through the mail, e.g., a direct mail sales catalog or brochure, provided all of the following additional requirements are met:

(1) The declarations of ingredients are conspicuous and presented in a way that permits the consumer to identify the declaration of ingredients applicable to each cosmetic.

(2) The package mailed to the consumer is accompanied by a notice located on, or affixed to, the top of the package or on top of the contents inside the package, readily visible to the consumer on opening of the package, and provides the following information in letters not less than 3/16 of an inch in height:

(i) The location of the declarations of ingredients, e.g., in an accompanying brochure, or in a sales catalog used for ordering;

(ii) A statement that a copy of the declaration of ingredients will be mailed promptly to any person requesting it; and

(iii) The name and place of business of the mail order distributor.

(3) The mail order distributor promptly mails a copy of the declaration of ingredients to any person requesting it.

Interested persons may, on or before August 20, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 14, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-17923 Filed 6-18-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 74-193]

SCITUATE HARBOR, MASSACHUSETTS

Special Anchorage Area

The Coast Guard is considering amending the anchorage regulations by establishisg a Special Anchorage Area in Scituate Harbor, Massachusetts. The anchorage is needed to, provide for the safety of pleasure craft anchoring in this vicinity. The anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts, 02114. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 74-193), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by in-

terested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward all comments received before August 5, 1976, and his recommendation to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that a new § 110.33 be added to Part 110 of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.33 Scituate Harbor, Mass.

The water area of Scituate Harbor west of a line connecting the end of the south breakwater at latitude 42°12'05" N., longitude 70°43'01" W. and the end of the inner north breakwater at latitude 42°12'12" N., longitude 70°43'02.5" W., except those areas within the designated project channels as shown on Chart No. 13269 (formerly C and GS Chart No. 244) issued by the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

NOTE.—The Waterways By-laws of the Town of Scituate require the local Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2)).

Dated: June 14, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 76-17687 Filed 6-18-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NW-6-AD]

BOEING MODEL 727 AND 737 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Models 727 and 737 Series airplanes with hydraulic system "B" Abex P/N 57186 motor installations.

There have been failures of hydraulic system "B" Abex pump motors that could compromise the safe operation of the Boeing Models 727 and 737 series airplanes. The failures of the hydraulic system "B" Abex P/N 57186 pump motor resulted from internal wiring faults, which burned holes in the cases, allowing the loss of hydraulic fluid. There have been 24 reports of such failures with four confirmed fires, one in flight.

The danger to the safe operation is minimized by warning annunciation and proper flight crew action since the hydraulic system "B" Abex pumps are located in the wheelwells of the 737 series airplanes, are installed either in the air-conditioning compartment or the left body fairing compartment which do not have overheat warning annunciation to alert the flight crew.

However, in the 727 series airplanes, the hydraulic system "B" Abex pumps are installed in the air-conditioning compartment or the left body fairing compartment which do not have overheat warning annunciation to alert the flight crew.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of either a ground fault protection system in the hydraulic system "B" Abex pump electrical power circuits or insulating liners in the Abex pump motor assembly.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before August 5, 1976 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Boeing Models 727 and 737 series airplanes certificated in all categories with hydraulic system "B" Abex, P/N 57186, motor pump installations. Compliance required as indicated unless already accomplished.

To prevent a hydraulic system "B" Abex, P/N 57186, motor pump internal wiring fault from burning a hole in the case and possibly igniting the escaping hydraulic fluid, accomplish the following:

Within the next 2,000 hours time in service after the effective date of this AD, accomplish either of (1) or (2) below:

(1) Install a ground fault protection system in the hydraulic system "B" Abex motor pump electrical power circuit in accordance with either applicable Service Bulletins No. 727-29-47, Rev. 1, dated 3/19/76, or No. 737-29-1029, Rev. 1, dated 3/26/76 or later FAA approved revisions; or

(2) Install insulating liners in the Task motor assembly, P/N 7501-6, which is used in the Abex P/N 57186 motor pump assembly in accordance with Task Corp. Service Bulletin No. 7501-6-29-004/103, Rev. 1, dated 7/15/75.

Equivalent installations may be approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

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

Issued in Seattle, Washington on June 11, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-17782 Filed 6-18-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-53]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, North Carolina, control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 21, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Georgia.

The Raleigh control zone described in § 71.171 (41 FR 355) would be amended as follows:

"* * * 034° and 231° radials * * *" would be deleted and "* * * 033°, 127° and 230° radials * * *" would be substituted therefor, and "* * * northeast and southwest * * *" would be deleted and "* * * northeast, southeast and southwest * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed VOR RWY 32 instrument approach procedure to Raleigh-Durham Airport. It is also necessary to amend the description of the control zone by correcting the VORTAC radials upon which the extensions are predicated.

(Sec. 307(a) of the Federal Aviation Act of 1948 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on June 8, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-17783 Filed 6-18-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations

which would alter the control zone and transition area at Casper, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before July 21, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Federal Aviation Administration plans to install an Airport Surveillance Radar (ASR) system to serve Natrona County International Airport, as well as an instrument landing system to serve Runway 03. Alteration of control zone and transition areas is required to accommodate the new ILS and radar instrument approach procedures which will be developed.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (41 FR 355) amend the description of the Casper, Wyoming, control zone as follows:

CASPER, WYOMING

That airspace within 5 miles each side of the Casper VORTAC 216° radial extending from the VORTAC to 33 miles southwest of the VORTAC and within 3 miles each side of the ILS localizer west course, extending from 1 mile east to 10 miles west of the Johnson LOM.

In § 71.181 (41 FR 440) amend the dedescription of the Casper, Wyoming, transition area as follows:

CASPER, WYOMING

That airspace extending upward from 700 feet above the surface within a 27 mile radius of the Casper ASR (latitude 42°55'17" N., longitude 106°27'14" W.); and that airspace extending upward from 1200 feet above the surface within a 43 mile radius of the Casper ASR; within an area extending from the 43 mile radius circle to an arc of a 42 mile radius circle centered on the Casper VORTAC bounded on the north by the Casper VORTAC 060° radial and on the south by the Casper VORTAC 111° radial; and that airspace extending upward from 11,500 feet MSL extending from the 43 mile radius circle to an arc of a 60 mile radius circle centered on the Casper VORTAC, bounded on the east by the west edge of V19 and on the south by the north edge of V298.

Issued in Aurora, Colorado, June 10, 1976.

L. R. ROBISON,
Acting Director,
Rocky Mountain Region.

[FR Doc.76-17781 Filed 6-18-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 249, 378b, 389]

[EDR-300, SPDR-45, ODR-13; Docket 28404, Dated: June 16, 1976]

CONTRACT BULK INCLUSIVE TOURS

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 378b of its Special Regulations establishing a new class of bulk tours which would utilize the services of the scheduled passenger carriers in interstate and overseas air transportation, to be designated as contract bulk inclusive tours (CBITs), and authorizing tour operators to act as indirect air carriers in connection with the construction and marketing of CBITs. Parts 249 and 389 would also be amended to establish record-retention and filing-fee requirements applicable to such CBITs. The principal features of the proposal are described in the attached Explanatory Statement and the proposed rules are more specifically described in the proposed rules. The amendments are proposed under the authority of sections 101, 204, 401, 407, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 737 (as amended), 743, 754 (as amended), 766 (as amended) and 771; 49 U.S.C. 1301, 1324, 1371, 1377 and 1386.

Interested persons may participate in the proposed rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comments received on or before July 21, 1976, and reply comments received on or before August 5, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by July 1, 1976, a request to be placed on the Service List in Docket 28404. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on the Service List are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any persons by August 5, 1976, and comments so filed will be considered by the Board. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

Bulk inclusive tours (BITc) were formerly authorized by the Board pursuant to the terms of Part 378a of the Board's Special Regulations, adopted by SPR-32, 34 FR 16861, October 18, 1969. These tours were authorized to be performed by scheduled U.S. flag and foreign air carriers of passengers, in foreign air transportation, and were in part a response by the scheduled carriers to the then newly authorized inclusive tour charters. BITs did not prove to have any substantial and continuing success, however, and, after the exemption authority contained in Part 378a, as it then existed, had lapsed, the Board acted to repeal Part 378a by SPR-77, 39 FR 27900, August 2, 1974.[1]

On October 14, 1975, Eastern Air Lines, Inc. (Eastern) filed with the Board a petition for rulemaking Docket 28404, requesting the institution of a proceeding to consider again authorizing a form of tour functionally similar to the previously existing BITs. Eastern also filed tariffs which would have allowed tours, called contract bulk inclusive tours (CBITs), to be operated from certain United States points to Florida, Puerto Rico and the Virgin Islands,[2] and requested exemption authority in Docket 28403 for the tour operators who would have purchased seats under the tariffs for resale to the public. Pan American World Airways, Inc. (Pan Am) has similarly requested authority to operate CBITs in Hawaiian markets, by tariffs filed on January 15, 1976, and by requests for rulemaking and for exemption filed on February 3, 1976, in, respectively, Dockets 28831 and 28832.

By Order 75-10-132 we denied Eastern's request in Docket 28403 and rejected the tariffs it had filed.[3] We noted

[1] The same Part number (378a) has now been used by the Board to establish One-stop-inclusive Tour Charters (OTCs). See SPR-85, 40 FR 34089, Aug. 14, 1975.

[2] Eastern Air Lines, Inc. Local Tariffs C.A.B. Nos. 429 and 430.

[3] Order 75-10-132 also dismissed complaints filed in Dockets 28394, 28396, 28407 and 28408, insofar as they related to Eastern's tariffs.

in that Order, however, that Eastern's request was appropriate for consideration in the rule making forum, and this proceeding is therefore being initiated to allow public comment to be considered before determining whether to authorize bulk fares of the kind which Eastern has proposed and, if so, under what terms and conditions.

Upon preliminary consideration of Eastern's proposal, as well as of the more recent proposal by Pan Am to offer a similar type of tour from certain continental United States points to Hawaii,[4] and of the answers in support of and opposing the requests for rulemaking[5] we have tentatively concluded that, if it is desirable to allow the scheduled passenger carriers to reinstitute any form of bulk fare to be used by tour operators in constructing inclusive tours, the attributes of those tours should coincide, as precisely as is possible, with the One-stop-inclusive Tour Charters (OTCs) recently created by the adoption of the new Part 378a[6] as that part applies to "North American Charters."[7] We believe that taking this approach, rather than authorizing CBITs under regulations containing tour package restrictions differing from OTCs, or rather than allowing each of the scheduled carriers to separately define the precise terms and conditions of the tours in their individual tariffs, may contribute to the important goal of simplification of the types of bulk travel available to the public.

Thus, as we presently conceive it, while the tariffs of the scheduled combination carriers would individually determine the price of the bulk sale of seats to the tour operator, and the dates or periods during which CBITs would not be sold, the conditions of the tours themselves would be governed directly by our regulations.[8] We solicit comments bearing on this aspect of the proposal, and are especially interested in receiving views as to why standardization may not be appropriate or, if the concept of standardization is itself acceptable, what if any variations from the terms established for OTCs in the present Part 378a should be established by any new rules.

Secondly, we are interested in obtaining the views of all interested persons on the troublesome problem of controlling undue diversion to the bulk fares here proposed from the scheduled carrier's full fare services. We are not at this point prepared to authorize bulk fares on any terms unless we are given reason to believe that they will not result in substantial numbers of full fare passengers being denied seats, and that, at the same time, higher load factors will result from their availability. These are matters of central importance, since we would contemplate treating these fares in the same manner as other discount fares for rate making purposes, as determined in our decisions in the Domestic Passenger-Fare Investigation, Phase 5—Discount Fares, Docket 21866, *et al.*

It may be that undue diversion and dilution can best be prevented by authorizing CBITs only for certain markets, rather than in interstate and overseas air transportation generally, and if any interested persons responding to this notice believe that any authorization to offer CBITs should be so limited, we would appreciate receiving an explanation for that belief. The views of interested persons as to the consistency of any territorial limitation with the proscription of undue or unreasonable preference and prejudice contained in Section 404 (b) of the Act, 49 U.S.C. § 1374, would also be of importance in connection with any such limitation.

Further, it would be of material assistance in determining what, if any, type of CBIT should now be established to receive the views of interested persons on the reason for the apparent failure of the formerly established BITs to attract substantial numbers of travelers in foreign air transportation. We do not know why BITs proved to be less attractive than other bulk air travel alternatives then available, and information on that subject would contribute to preventing a similarly unsuccessful bulk fare offering in interstate and overseas air transportation in this proceeding.

Additional questions concerning Pan Am's and Eastern's proposals which we believe warrant careful consideration, and to which we direct the attention of interested persons, include the following:

(1) What are the ramifications of these proposals for the OTCs recently established by Part 378a? If CBITs might result in weakening the marketability of OTCs, how can this best be avoided?

(2) Would CBITs have an unduly adverse impact on the OTC and other charter operations of the supplemental carriers? If so, what if any conditions could be attached to the CBIT proposal to alleviate any adverse effects?

(3) Are there special enforcement problems connected with CBITs? If so, can these be avoided or reduced by establishing particular terms or conditions, or are these problems so serious as to suggest that the Board should not authorize CBITs?

(4) Is there a public need for "special event CBITs" like the Special Event OTCs established by Subpart F to Part 378a?

(5) Would establishing CBITs give tour operators undue bargaining power with the scheduled carriers, resulting in adverse effects on the scheduled carriers' scheduling decisions?

(6) What environmental implications follow creating CBITs? While we would expect that CBITs would assist the scheduled carriers to attain higher load factors to some extent, we would anticipate no significant effect on the environment and hence have tentatively concluded that the promulgation of CBIT rules would not constitute a major Federal action significantly affecting the quality of the human environment for which an environmental impact statement is required under section 102(2)(c) of the National Environmental Policy Act of 1969. We specifically invite comments on any possible environmental impacts resulting from these proposals.

We hope that interested persons will give us the benefit of any information which they may have relating to the foregoing matters. We note, of course, that all relevant submissions, whether or not relating to matters specifically discussed herein, will be given careful consideration in determining whether to permit the offering of bulk fares, such as the CBITs which Eastern has proposed and, if so, under what particular terms and conditions.

As we indicated earlier, the proposed rules which follow are in substance nearly identical to the existing provisions of Part 378a. In addition, we have reserved the section numbers of those sections contained in Part 378a which are not utilized in these proposed rules, so that cross references between the two parts can be made more easily. Since the forms which will be prescribed will be exactly the same in all material respects as those used in connection with Part 378a, we have not deemed it necessary to reproduce them here.

Finally, we direct the attention of interested persons to the Board's recent proposal, in Notice of Proposed Rulemaking EDR-294/SPDR-42/ODR-12, February 10, 1976 (Docket 28852) to establish Advance Booking Charters (ABCs). If that proposal is adopted, there would be a new type of charter,

[4] International Air Traffic Tariffs Corp., Agent, C.A.B. No. 441, filed January 15, 1976, which contains the details of Pan Am's proposal, was rejected on February 2, 1976. As previously noted, Pan Am has filed a petition for rulemaking to authorize CBITs in Docket 28831. That petition, except to the extent granted herein, is hereby denied. In addition, since the reasons for our decision expressed in Order 75-10-132 apply equally to Pan Am's exemption request, and in consideration of that request, and the answers thereto filed by the American Express Company, certain NACA members and United Air Lines, Inc., Pan Am's application in Docket 28832 is hereby denied. That carrier also filed a motion pursuant to Rule 4(f) of our Rules of Practice, accompanied by an unauthorized reply to certain of the answers filed in Docket 28832. In response, United filed a motion to strike Pan Am's reply and a contingent motion accompanied by an additional unauthorized response. In our opinion Pan Am's motion fails to establish good cause as is required by Rule 4(f)(4). Accordingly, Pan Am's motion is hereby denied, and United's motion and contingent motion are hereby dismissed.

[5] The National Air Carrier Association (NACA) filed answers to both the Eastern and the Pan Am petitions. American express Company answered in support of the Pan Am petition.

[6] See note 1, supra.

[7] We are not proposing herein to authorize the scheduled carriers to sell space for "special events," similarly to the Special Event OTCs established in Subpart F of Part 378a, but we are specifically inviting comments addressing the question of whether we should include "special event" tours in the operator's authority.

[8] Under this approach, questions as to the appropriate levels of the prices charged by the scheduled carriers for the sale of blocks of seats to tour operators would be determined under the ordinarily applicable Section 403 tariff filing mechanisms.

offering participants air transportation only, but subject to the particular restrictions set forth in the ABC rule. If the within CBIT proposal is finally adopted, authorizing wholesalers of scheduled space to resell seats under restrictions paralleling those set forth in our OTC rule, then it would seem clear that we should also—by a parity of reasoning—authorize such wholesalers to resell seats under restrictions paralleling those set forth in such ABC rule as we might adopt. Persons interested in the instant proceeding are therefore specifically invited to focus on the question of whether the grant of authority to wholesalers to operate CBITs as a counterpart to OTCs would have to be expanded to include a type of scheduled group travel which would be a counterpart to ABCs.[9]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

B. Amend § 249.2 by revising the definitions of "tour operator" to read as follows:

§ 249.2 Definitions.

For the purposes of this part:

* * * * *

"Tour operator" means (1) any citizen of the United States, as defined in Section 101(13) of the Act (other than a direct air carrier) who is authorized under the provisions of any of Part 378, Part 378a or Part 378b to engage in the formation of groups for transportation on tours authorized by those parts; or (2) any person not a citizen of the United States, as defined in Section 101(13) of the Act (other than a direct foreign air carrier) who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States in accordance with the provisions of Part 378 or Part 378a, or both, and who holds a permit issued pursuant to Section 402 of the Act authorizing such transportation.

* * * * *

2. Amend § 249.9 by revising paragraph (a) to read as follows:

§ 249.9 Period of preservation of records by tour operators, study group charterers, overseas military personnel charter operators, and travel group charter organizers.

(a) Every tour operator (as defined in § 249.2) conducting a tour or series of tours pursuant to Part 378, Part 378a or Part 378b of this chapter or every charter operator (as defined in § 249.2) conducting a charter or series of charters pursuant to Part 371 of this chapter shall retain for two years after completion of a tour or a series of tours, or of a charter or series of charters, true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each charter participant or tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with a tour or series of tours, or charter or series of charters; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours, or charter or series of charters.

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3. Adopt a new Part 378b, to read as follows:

PART 378b—CONTRACT BULK INCLUSIVE TOURS

Subpart A—General Provisions

Sec.
- 378b.1 Applicability.
- 378b.2 Definitions.
- 378b.3 Waivers.
- 378b.4 Enforcement.
- 378b.5 [Reserved].
- 378b.6 Computation of time.
- 378b.7 Termination of part.

Subpart B—General Conditions and Limitations

- 378b.10 Contract bulk inclusive tour general requirements.
- 378b.11 Payment to direct air carrier(s)
- 378b.12 No intermingling of passengers.
- 378b.13 Unused seats.

Subpart C—Requirements Applicable to Tour Operators

- 378b.20 Exemption.
- 378b.21 Approval of certain interlocking relationships.
- 378b.22 Effect of exemption on antitrust laws.
- 378b.23 [Reserved].
- 378b.24 Suspension of exemption authority.
- 378b.25 Operating authorization of tour operators.
- 378b.26 Discrimination.
- 378b.27 Methods of competition.
- 378b.28 Tour prospectus.
- 378b.29 CBIT contract.
- 378b.30 Contract between tour operator and tour participants.
- 378b.31 Surety bond and depository agreement.
- 378b.32 Disbursements from depository account.
- 378b.33 Record retention.

Subpart D—Requirements Applicable to Direct Air Carriers

- 378b.40 Air transportation not to be performed unless compliance with part.
- 378b.41 Direct air carrier to identify enplanements.
- 378b.42 Tariffs to be on file for CBIT air transportation.
- 378b.43 No commissions or refunds to be paid.

Subpart E—CBIT Reporting Requirement

- 378b.50 CBIT reporting.
- 378b.51 [Reserved].

AUTHORITY: (Secs. 101, 204, 401, 407 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 737 (as amended), 743, 754 (as amended), 766 (as amended) and 771; 49 U.S.C. 1301, 1324, 1371, 1377 and 1386.)

Subpart A—General Provisions

§ 378b.1 Applicability.

This part establishes the terms and conditions governing the furnishing of "Contract bulk inclusive tours" (CBITs) in interestate and overseas air transportation by direct air carriers and tour operators. This part also relieves such tour operators from various provisions of Title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide CBITs utilizing aircraft operated in scheduled passenger service by such direct carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 378b.2 Definitions.

As used in this part, unless the context otherwise require—

"CBIT" or "contract bulk inclusive tour" means a round-trip tour utilizing the scheduled services of one or more direct air carriers, which is arranged and sponsored by a tour operator for a group and which meets the requirements set forth in Subpart B of this part.

"CBIT contract" means a contract between one or more direct air carriers and a tour operator evidencing the sale of round-trip air transportation for use by CBIT participants.

"CBIT group" or "tour group" means an aggregate of persons who are assembled by a tour operator for the purpose of participation as a single unit in a contract bulk inclusive tour.

"CBIT operator" or "tour operator" means any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on CBITs in accordance with the provisions of this part.

"CBIT participant" or "tour participant" means a member of a CBIT group.

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[9] United States Tour Operators Association, et al., and Anne Storch International-Asti Tours, Inc., et al., have recently requested, by petitions filed in respectively, Dockets 28313 and 28314, the institution of public rulemaking procedures to establish regulations authorizing wholesalers of space on scheduled service to act as indirect air carriers in reselling individual seats.

As discussed hereinabove, the issues raised by those petitions are closely interrelated with those on which we are specifically inviting comments in this proceeding. The petitions are thus being granted, to the extent that the issues which they raise will largely be consolidated into this proceeding. To the extent that those petitions may be proposing a grant of authority to wholesalers of scheduled space to resell individually ticketed seats without restrictions paralleling those prescribed by our charter rule, the petitions in Dockets 28313 and 28314 are denied.

"Direct air carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act authorizing the scheduled interstate or overseas air transportation of persons.

"Ground accommodations and services" include, but are not limited to, sleeping accommodations for each night of the tour as well as necessary surface transportation for tour participants traveling together between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, but may not include rental cars, rail passes or other types of prepaid individual transportation.

"Round trip" refers to any round, open-jaw or circle trip which includes an inbound flight returning to a point no more than 50 air miles from the point of origin.

§ 378b.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a tour operator of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 378b.4 Enforcement.

In the case of any violation of the provisions of the Act, or of this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or to criminal penalties pursuant to the provisions of section 902 of the Act; or other lawful sanctions.

§ 378b.5 [Reserved]

§ 378b.6 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

§ 378b.7 Termination of part.

The exemption provided by this part shall terminate on March 31, 1980, and shall not apply to any CBIT scheduled to originate subsequent to such date of termination.

Subpart B—General Conditions and Limitations

§ 378b.10 Contract bulk inclusive tour general requirements.

Contract bulk inclusive tours under this part shall meet the following requirements:

(a) The tour shall include ground accommodations and services for the duration of the tour and shall be arranged and sold by a tour operator as an independent principal with respect to the air transportation included in the tour and not as an agent for a direct air carrier.

(b) The CBIT contract must be for 40 or more seats.

(c) The tour must be on a round-trip basis, but the departing flight and the returning flight need not be performed by the same direct air carrier.

(d) The minimum duration of the tour must be four (4) days. For purposes of computing number of days, as specified herein, the first day shall be the day the originating flight takes off; the last day shall be the day of returning flight lands.

(e) The air transportation portion thereof must be performed by direct air carriers which hold a certificate of public convenience and necessity under section 401 of the Act authorizing the scheduled transportation of persons in interstate or overseas air transportation.

(f) Passengers transported in connection with a CBIT shall consist solely of persons whose names are set forth in a passenger list duly filed with the Board in accordance with § 378b.25(b).

(g)(1) The total cost of the tour to each participant shall include the cost of ground accommodations and services for the duration of the tour and shall be an amount not less than the aggregate of the price of the participant's seat (i.e., the price specified in the CBIT contract divided by the total number of seats specified in the contract) and a sum representing $15 for each night of the tour.

(2) Notwithstanding the above, the total cost of the tour to participants who (i) will not have attained their twelfth birthday before the date of departure, and (ii) share their hotel room with one or more persons not subject to this exception, shall be an amount not less than the aggregate of the price of the participant's seat (i.e., the price specified in the CBIT contract divided by the total number of seats specified in the contract) and a sum representing $7.50 for each night of the tour.

§ 378b.11 Payment to direct air carrier(s).

The direct air carrier(s) shall be paid in full for the cost of the round-trip transportation prior to the scheduled date of the originating flight departure.

§ 378b.12 No intermingling of passengers.

There shall be no intermingling of passengers and each tour group shall move together as a group on both legs of the air transportation except under the emergency circumstances specified in the basic charter regulations applicable to direct air carriers under Part 207 of this chapter.

§ 378b.13 Unused seats.

Nothing contained in this part shall preclude a tour operator from utilizing any unused seats purchased by it for a CBIT for the transportation, on a free or reduced basis, of such tour operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

Subpart C—Requirements Applicable to Tour Operators

§ 378b.20 Exemption.

Subject to the provisions of this part and the conditions imposed herein, tour operators are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange CBITs:

Section 401.
Section 403.
Section 404(a), except the requirement to provide adequate service in connection with CBITs operated hereunder.
Section 405(b).
Section 407 (b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 378b.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 378b.20, such participation is hereby approved by the Board.

§ 378b.22 Effect of exemption on antitrust laws.

The relief granted by § 378b.20 and § 378b.21 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of Section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378b.23 [Reserved]

§ 378b.24 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that

such action is necessary in order to protect the rights of the traveling public.

§ 378b.25 Operating authorization of tour operators.

A tour operator is authorized hereunder to organize and operate a CBIT only in accordance with the provisions of this part, and subject to the following conditions:

(a) (1) No tour or series of tour shall be operated, nor shall any tour operator sell, or offer to sell, or solicit persons to participate in, or otherwise advertise such tour or tours, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, a CBIT Prospectus satisfying the requirements of § 378b.28: Provided, however, That if during the 15-day period following filing hereunder the tour operator has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, or offer to sell, solicit, or advertise such tour until he has subsequently been notified by the Board that such filing has been accepted. If a series of tours is to be performed for one tour operator pursuant to one CBIT contract the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 180 days.

(2) No change in the facts reflected in a filed Prospectus shall become effective until at least 15 days after the tour operator and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended Prospectus reflecting such change, unless he has been notified by the Board that such change may become effective sooner: Provided, however, That if during the 15-day period following filing of an amended Prospectus hereunder, the tour operator has been notified that the Board has rejected such amended Prospectus for noncompliance with this part, then such change shall not become effective until he has subsequently been notified by the Board that such filing has been accepted: and Provided further, That the direct air carrier need not join in the filing of an amended Prospectus which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the Prospectus may not be made except where they are beyond the control of the carrier or the operator, and there is insufficient time to file an amended Prospectus.

(b) No later than 15 days prior to the scheduled date of departure, the tour operator and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, the following information, except that the information required by paragraph (a) (1) of this section shall be filed in the manner prescribed in paragraph (c) of this section:

(1) CAB Form 378b-1, which appears as Appendix A to this part, setting forth the name of each passenger in alphabetical order, his or her address and telephone number, and the name, address, and telephone number of the travel agent (if any) who sold the tour to the passenger;

(2) A statement of the tour operator affirming that each participant (i) has entered into a contract with the operator and (ii) has made full payment of the total price of the tour, and

(3) A statement of the depository bank, if any, affirming that it has received a deposit of the total price payable to the direct air carrier(s):

Provided, however, That where the outbound leg is scheduled to depart on or after October 1, 1978, the information required by this paragraph (b) shall be filed no later than 7 days prior to the scheduled date of departure.

(c) An original copy of the CBIT passenger list, along with two photostatic or similarly reproduced copies (not carbons) and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of the CBIT passenger list so as to verify their receipt and identify the tour to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplaning CBIT passengers, note the documentary source and number, and file required reports.

§ 378b.26 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, port, locality or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378b.27 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378b.28 Tour Prospectus.

The Prospectus shall be filed in duplicate and shall include two copies of the following: The CBIT contract, the contract between the tour operator and the CBIT participants, the tour operator's surety bond (an original bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 378b.31. It shall also contain the following information:

(a) Name and address of the tour operator;

(b) The proposed date and time of each flight and the direct air carrier(s)' flight numbers;

(c) The class of service to be utilized on each flight by tour participants;

(d) The tour itinerary, if any, including hotels (name and length of stay at each), and other ground accommodations and services;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) The total CBIT contract price and the number of seats contracted for;

(h) The unit price of each seat included in the CBIT contract, and

(i) Samples of solicitation material proposed by the tour operator (all sales, advertising and solicitation materials employed by the tour operator shall state the name of the direct air carrier(s) to be utilized).

§ 378b.29 CBIT contract.

The CBIT contract between the tour operator and the direct air carrier(s) shall evidence a binding commitment on the part of the carrier(s) to furnish the air transportation required for the trip or trips covered by the contract.

§ 378b.30 Contract between tour operator and tour participants.

Where each tour participant receives, or is eligible to receive, the same ground accommodations and services, the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions specifically stating:

(a) Method of payment, e.g., installment payments;

(b) That trip health and accident insurance is available and that upon request the tour operator will furnish details thereof;

(c) That after the list of prospective tour passengers has been filed with the Board (pursuant to § 378b.25(b)) the tour operator shall have no further right to cancel the tour in grounds of inadequate participation, but describing the right to refunds in the event of the tour's cancellation on any other grounds or contingencies set forth in the contract, and the procedure for obtaining such refunds;

(d) The right to refunds in the event of the participant's change of plans and the procedure for obtaining such refunds;

(e) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(f) The dollar amounts of each direct air carrier's liability limitations for participants' baggage, as set forth in the direct air carrier(s)' tariffs;

(g) Conditions governing aircraft-equipment substitutions;

(h) The name and address of the surety company issuing the surety bond;

(i) That the tour operator is the principal and is responsible to the participants in making arrangements for all services and accommodations offered in connection with the tour: Provided, however, That this requirement shall not preclude the tour operator from expressly providing in such contract that, in the absence of negligence on the part of the tour operator, he is not responsible for personal injury or property damage arising out of the act or negligence of any direct air carrier, hotel or other person rendering any of the services being offered in connection with such tour;

(j) That unless the tour participant files a claim with the tour operator or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such participant (see § 378b.31(d));

(k) That, when the combined surety bond-depository agreement, as provided in § 378b.31(b) is used in connection with the tour, all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the tour is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank.

§ 378b.31 Surety bond and depository agreement.

(a) Except as provided in paragraph (b) of this section, the tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour or series of tours: (1) For a tour or series of tours of 14 days or less, a bond in an amount of not less than the price for the air transportation to be furnished in connection with such tour or series of tours; (2) for a tour or series of tours of more than 14 days but less than 28 days a bond in an amount of not less than twice the price for such air transportation; and (3) for a tour or series of tours of 28 days or more, a bond in an amount of not less than three times the price for such air transportation: Provided, however, That the liability of the surety to any tour participant shall not exceed the participant's tour price.

(b) The direct air carrier and the prospective tour operator, before selling or offering to sell, soliciting or advertising any tour, may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraphs (b)(1) and (2) of this section, as follows:

(1) The tour operator shall furnish a surety bond in the minimum amount of $10,000 per tour up to a maximum of $200,000 for a series of 20 or more tours, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: Provided, however, That the liability of the surety to any tour participant shall not exceed the amounts paid by such tour participant to the tour operator with respect to the tour; and

(2) The direct air carrier and tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: Provided, That the travel agent agrees in writing with the tour operator that if the tour is canceled the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the direct air carrier the CBIT contract price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: Provided, That, in the case of a round-trip CBIT contract to be performed by one carrier, the total round-trip price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator for refunds made by the latter to participants upon written notification from the tour operator;

(iv) If the tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the CBIT contract price has been paid in full to the direct air carrier, the bank shall pay funds from the aculed day of departure of the originating enterprises, or other persons or companies furnishing ground accommodations and services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator of the amounts payable for such ground accommodations and services and the persons or companies to whom payment is to be made: Provided, however, That the total amounts paid by the bank pursuant to paragraphs (b)(2)(ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraphs (b)(2)(iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other securities, consisting of certificates of deposit issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest penalties or other conditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account: Provided, That such other securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: And provided, further, That should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value;

(ix) Except as provided in paragraph (b)(2)(ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each tour, when the balance in the account shall be paid the tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraph (a) and (b) of this section shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth as Appendix B to this part. Such bond shall be issued by a bonding or surety company: (1) Whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: Provided, however, That these data may be set forth in an addendum attached to the bond, which addendum must be signed by the tour operator and the surety company. It shall be effective on or before the date the tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this

section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator, or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator and the tour participant shall contain notice of this provision.

§ 378b.32 Disursements from depository account.

No tour operator shall cause its agents or the depository bank to make disbursements or payments from deposits except in accordance with the provisions of this part.

§ 378b.33 Record retention.

Every tour operator conducting a tour pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this chapter.

Subpart D—Requirements Applicable to Direct Air Carriers

§ 378b.40 Air transportation not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with a CBIT unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the tour operator's authority under this part has not been suspended by the Board.

§ 378b.41 Direct air carrier to identify enplanements.

(a) A direct air carrier shall retain a true copy of each document which it has filed (jointly with the tour operator) pursuant to § 378b.25, and shall make reasonable efforts to verify the identity of all enplaning passengers by use of a document bearing an identifying number, in order to insure that enplanements are limited to persons whose names appear on its stamped copy of the passenger list. A passport or other travel identity document should be used, if available, to identify enplaning passengers, but if no such document is available, then any other numbered document, for example, a Social Security card, may be used.

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of the passenger list, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the document.

§ 378b.42 Tariffs to be on file for CBIT air transportation.

No direct air carrier shall perform any air transportation in connection with a tour operated pursuant to this part unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares and charges applicable to CBIT air transportation.

§ 378b.43 No commissions or refunds to be paid.

No commissions, fees, or other compensation shall be paid by the direct air carrier to the tour operator or any other person in connection with a CBIT. No refunds shall be made by the direct air carrier to the tour operator or any other person for seats contracted for but not utilized by CBIT participants.

Subpart E—CBIT Reporting Requirements

§ 378b.50 CBIT reporting.

(a) The direct air carrier shall file with the Board's Bureau of Enforcement within seven days after furnishing air transportation to CBIT participants, whether departure or return, its stamped copy of the passenger list filed prior to the flight.

(b) The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any tours covered by a Prospectus filed under § 378b.28 that are later canceled.

(c) Within 30 days after termination of a tour or series of tours, or in the case of a series of tours extending over a period longer than 30 days, every 30 days, the direct air carrier and tour operator shall jointly file a report with the Board (Supplementary Services Division, Bureau of Operating Rights), on CAB form 378b–2, which appears as Appendix C to this part. The report shall indicate whether or not the tours authorized hereunder were, in fact, performed. For each tour operated, the report shall indicate the origin, destination(s), and number of passengers carried. To the extent that the operations differed from those described in the Prospectus filed under § 378b.28, such differences shall be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviations.

§ 378b.51 [Reserved]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

4. Amend § 389.25 by revising paragraphs (h), (j), and (m) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(h) Exemptions from section 401, waivers of Parts 207, 208, 369, 372, 372a, 373, 378, 378a, and 378b and special operating authorizations. The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters or tours) or (2) for a waiver of Parts 207, 208, 371, 372, 372a, 373, 378, 378a or 378b (except an application dealing with a specific number of charters or tours), or (3) for a special operating authorization under section 417 of the Act, is $300.

* * * * *

(j) Exemptions or waivers for the performance of a specific number of charters or tours. The filing fee for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act, or a request for a waiver of Parts 207, 208, 369, 372, 372a, 373, 378, 378a or 378b for the performance of a specific number of charters or tours (one-way or round-trip) is $100 plus $10 for each charter or tour (one-way or round-trip) described, subject to a maximum fee of $300.

* * * * *

(m) One-stop-inclusive tour charter and contract bulk inclusive tour prospectus. The filing fee for each tour prospectus filed pursuant to § 378a.28 or §378b.28 of this chapter is $50.

* * * * *

[FR Doc.76–18004 Filed 6–18–76;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[18 CFR Ch. III]

FLOOD PLAIN RESERVATIONS

Non-Tidal Areas

The Delaware River Basin Commission is considering for adoption standards of flood plain use and related implementing regulations as set forth below pursuant to Article VI of the Delaware River Basin Compact (Pub. L. 87–328). The proposed regulations follow generally the recommendations of the Commission's Flood Plain Regulation Advisory Committee submitted and publicized in July 1975. When adopted they will establish minimum standards of flood plain use on the non-tidal sections of the Delaware River and its major tributaries in New York, Pennsylvania, New Jersey and Delaware. The regulations contain definitions of various component lands, graded according to the severity of the damage threat, and suggested allowable and prohibited uses for each. The standards would apply to projects subject to review by the Commission. Minimum basinwide standards can be supplemented by more stringent regulations by states and local units of government.

The text of this regulation complies with the format of the Commission's Basin Regulations and have not been codified according to the format of the Code of Federal Regulations. Such codifi-

cation will be provided upon formal adoption of the regulations.

The proposed regulations will be the subject of a public hearing to be held by the Commission on July 7, commencing at 10 a.m. The public hearing will be held in the Rider Suite of The Inn of Trenton, 240 West State Street, Trenton, N.J.

Persons wishing to testify are requested to register with the Secretary to the Commission by telephone or in writing no later than 12 noon on July 6. Written statements will be received in lieu of oral testimony and will be made part of the record.

W. BRINTON WHITEHALL,
Secretary.

JUNE 11, 1976.

DRAFT—FLOOD PLAIN REGULATIONS

A resolution to adopt flood plain regulations relating to non-tidal areas of the Delaware River Basin.

Whereas, the Commission by Resolution No. 71-12 adopted December 15, 1971, amended the Comprehensive Plan by the addition of a new policy to read as follows:

Any project substantially encroaching upon the 100-year flood plain of the Delaware River or its tributaries shall not conflict with standards of flood plain use as approved by the Commission to safeguard the public health, safety and property, or standards of water quality. Neither shall such project conflict with applicable flood plain zoning ordinances or other land use regulations duly established by state or local government agencies; and

Whereas, the Commission subsequently engaged the consulting firm of Anderson-Nichols and Co., Inc., for the development of sound criteria and procedures for flood plain delineation; the preparation of general standards relative to the development of flood prone areas to safeguard health, safety and property; and the application of the criteria and procedures to a piolt delineation study of a major mainstem segment of the Delaware River; and

Whereas, the Anderson-Nichols study and report was released in the fall of 1973, and the Commission proceeded to create a Flood Plain Regulation Advisory Committee, comprised of two persons appointed by each Commissioner, to review the consultant's report and to recommend appropriate standards of flood plain use for adoption by the Commission; and

Whereas, major portions of the Delaware River Basin are presently not subject to flood plain regulation by state or local agencies, and the Advisory Committee, by its report dated July 1975, recommended a program of flood plain regulation by the Commission, and it is the purpose of the Commission to adopt a comprehensive flood plain management plan for the basin utilizing a range of implementation tools to reduce flood losses and to meet other Compact objectives, including water supply, pollution control, fish and wildlife protection, soil conservation, and provision for recreational opportunities; and

Whereas, the range of implementation mechanisms available to the Commission includes flood plain regulations, flood control works, public acquisition of flood-prone lands for open space, conservation and recreational purposes, and project review under Section 3.8 of the Compact (as to new projects), and the Commission is prepared at this time to adopt and administer regulations, including standards and criteria of flood plain regulation and additions to existing project review regulations; now therefore

Be it resolved by the Delaware River Basin Commission:

1. The Administrative Manual is hereby amended by adding new Articles to Part III, Basin Regulations, to read as follows:

FLOOD PLAIN REGULATIONS

[Article 6-1]

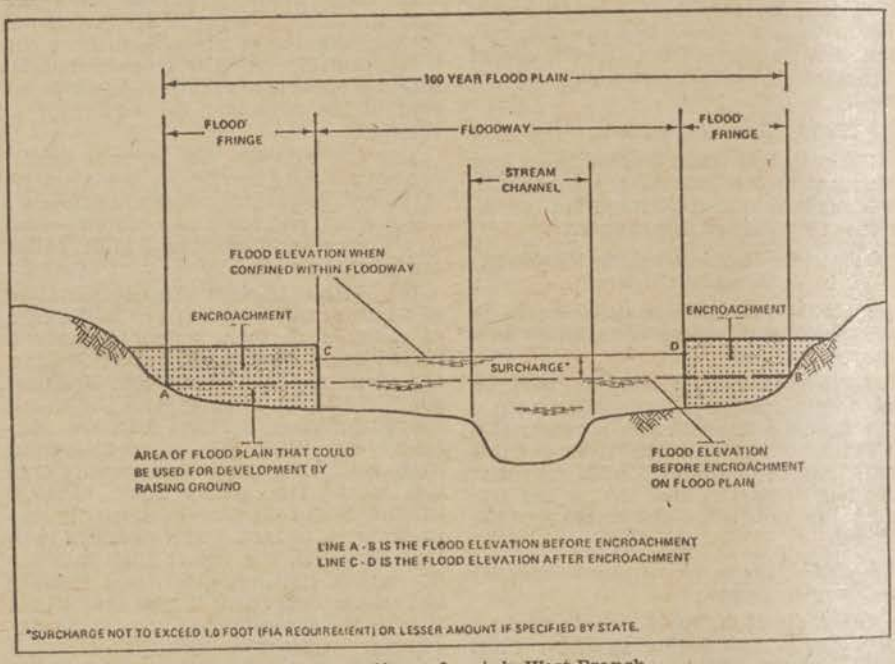
GENERALLY

Section 6-1.1 *Short Title.* This Article shall be known and may be cited as the "Flood Plain Regulations."

Section 6-1.2 *Definitions.* For the purposes of this Article, except as otherwise required by the context:

"Project" means the same word as defined by Section 1.2(g) of the Compact.

"Floodway" means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regulatory flood. For this purpose the limit of the floodway shall be established by allowing not more than a one-foot rise of the water surface elevation of the regulatory flood as a result of encroachment. Wherever practical such encroachment shall be assumed to be equal on both sides. (See figure 1)



"Flood fringe" means that portion of the flood hazard area outside the floodway.

"Flood hazard area" means the area inundated by the regulatory flood.

"Flood plain" means the area adjoining the channel of a stream which has been or hereafter may be covered by flood water.

"Flood protection elevation" means 1 foot above the elevation of the flood that has a one percent chance of occurring in any one year. (The 100-year flood).

"Major tributary" means any of the following streams in:

Pennsylvania.—Brandywine Creek, Brodhead Creek, Bushkill Creek, Lackawaxen, Lehigh, Schuylkill.

Delaware.—Brandywine Creek.

New York.—East Branch, Mongaup, Neversink, West Branch.

New Jersey.—Musconetcong, Paulins Kill, Rancocas.

"Regulatory flood" means the flood which has a one percent chance of occurring in any one year. (The 100-year flood).

"Structure" means any assembly of materials above or below the surface of land or water, including but not limited to, buildings, fences (except single-strand), dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads, and bridges.

SECTION 6-1.3 PURPOSE AND FINDINGS

(A) The Commission hereby finds and determines that the use of flood plains is affected with a public interest due to:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept onto other lands or downstream to the injury of others.

3. The susceptibility of a facility and its contents to flood damage and the effect of such damage on a particular owner.

4. The requirements of a facility for a waterfront location.

(B) In order to protect the public interest, the following principles and goals have been determined:

1. The overall goal is prudent land use within the physical and environmental constraints of the site.

2. The principle of equal and uniform treatment shall apply to all flood plain users who are similarly situated.

3. Flood plain use shall not result in nuissance to other properties.

4. Flood plain use shall not threaten public safety, health and general welfare.

5. Future land uses in private flood plains shall not result in public expense to protect the property and associated public services from flood damage.

6. All future public and private flood plain users shall bear the full direct and indirect costs attributable to their use and actions.

7. Restrictions on flood plain use, and flood hazard information, shall be widely publicized.

8. Land and water use regulations of responsible units of government shall not impair or conflict with the flood plain use standards duly adopted for the basin, except as provided for in Section 6–4.3 (A) hereof.

9. Plans for land and water use adopted by responsible agencies shall not impair or conflict with these flood plain use standards.

10. No action of any unit of government shall impair or conflict with these flood plain use standards.

[Article 6–2]

TYPES OF PROJECTS AND JURISDICTION

Section 6–2.1 *Class I Projects.* Projects described in sub-paragraphs A and B below shall be subject to review by the Commission under standards provided by this Article and in accordance with the provisions of Section 6–3 hereof, as follows:

(A) All projects subject to review by the Commission under Section 3.8 of the Compact and the regulations thereunder.

(B) State and local standards of flood plain regulation.

Section 6–2.2 *Class II Projects.* Class II projects, subject to review in accordance with Article 6–3 hereof, include all projects other than Class I projects, in non-tidal areas of the basin, along the mainstem of the Delaware River or a major tributary thereof, which involve either:

(1) A development of land, either residential or non-residential, within a flood hazard area and including structures which cover a total land area is excess of 50,000 square feet or contain in excess of 25 dwelling units, as part of an integrated development plan whether or not such development is included in a single application; or

(2) A development of land in the flood hazard area to mine, manufacture, process, store or dispose of materials which, if flooded, might pollute the waters of the basin or threaten damage to off-site areas, including, without limitation thereto, materials which are poisonous, radioactive, biologically undesirable or floatable.

[Article 6–3]

STANDARDS

Section 6–3.1 *Regulations Generally.* The uses of land within a flood hazard area shall be subject to regulation within one of the following categories:

(A) Prohibited uses

(B) Permitted Uses Generally

(C) Uses by Special Permit

Section 6–3.2 *Prohibited Uses.*

(A) Within the floodway, except as permitted by special permit, the following uses are prohibited:

1. Erection of any structure for occupancy at any time by humans or animals.

2. Placing, or depositing, or dumping any spoil, fill or solid waste.

3. Stock piling or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.

4. The storage of equipment or of buoyant materials, except for purposes of public safety.

(B) Within the flood fringe, except as permitted by special permit, the following uses are prohibited:

1. Stock piling or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.

2. Any use which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility.

SECTION 6–3.3 PERMITTED USES GENERALLY

(A) Within the floodway, the following uses are permitted, to the extent that they do not require structures, fill or storage or materials or equipment, and do not adversely affect the capacity of the floodway:

1. Agricultural uses such as general farming, horticulture, truck farming, sod farming, forestry and wild crop harvesting.

2. Industrial-commercial uses such as loading areas, parking areas and airport landing strips.

3. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Uses such as lawns, gardens, parking areas and play areas.

(B) Within the flood fringe, the following uses are permitted:

1. Any use permitted in the floodway.

2. Residences and other structures constructed so that the first floor, including basement, is above the Flood Protection Elevation. When fill is used the finished fill elevation shall be no lower than the Flood Protection Elevation for the particular area and shall extend at least 15 feet beyond the limits of any structure or building erected thereon.

SECTION 6–3.4 USES BY SPECIAL PERMIT

(A) Within the floodway the following uses by special permit may be authorized under the standards hereinafter provided:

1. Uses or structures accessory to open space use.

2. Circuses, carnivals and similar transient enterprises.

3. Drive-in theaters, signs and billboards.

4. Extraction of sand, gravel and other non-toxic materials.

5. Marinas, boat liveries, docks, piers, wharves and water control structures.

6. Fish hatcheries.

7. Railroads, streets, bridges, utility transmission lines and pipelines.

(B) Within the flood fringe the following uses by special permit may be authorized under standards hereinafter provided:

1. *Non-residential uses generally.* Structures other than residences shall ordinarily be elevated as herein provided but may in special circumstances be otherwise flood proofed to a point above the Flood Protection Elevation.

2. *Commercial uses.* Commercial structures shall be elevated so that no first floor or basement floor is below the Flood Protection Elevation; or such structures may be flood proofed. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public shall not be granted in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the Regulatory Flood.

3. *Manufacturing and industrial uses.* Manufacturing and industrial buildings, structures, and appurtenant works shall be elevated so that no first floor or basement floor is below the Flood Protection Elevation; or such structures may be flood proofed to the Flood Protection Elevation. Measures shall be taken to minimize flood water interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses as yards and parking lots may have lesser protection subject to the flood warning requirements set out in 2 above.

4. *Utilities, railroad tracks, streets and bridges.* Public utility facilities, roads, railroad tracks and bridges shall be designed to minimize increases in flood elevations and shall be compatible with

local comprehensive flood plain development plans. Protection to the Flood Protection Elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.

5. *Water supply and waste treatment.* No new construction, addition or modification of a water supply or waste treatment facility shall be permitted unless the lowest operating floor of such facility is above the Flood Protection Elevation, or the facility is flood proofed according to plans approved by the Commission, nor unless emergency plans and procedures for action to be taken in the event of flooding are prepared. Plans shall be filed with the Delaware River Basin Commission and the concerned state or states. The emergency plans and procedures shall provide for measures to prevent introduction of any pollutant or toxic material into the flood water or the introduction of flood waters into potable supplies.

[Article 6–4]

ADMINISTRATION

SECTION 6–4.1 ADMINISTRATIVE AGENCY.

(A) Class I projects as defined by Section 6–2.1 hereof shall be subject to review and approval by the Commission.

(B) Class II projects as defined by Section 6–2.1 shall be subject to review and approval by a duly empowered state or local agency; and if there be no such state or local agency at any time on and after January 1, 1977, and only during such time, the Commission may review any such project which has been identified by the Executive Director as having special flood hazards, or upon request of the county or municipality in which the project is located.

Section 6–4.2 *Special Permits.* A special permit may be granted, or granted on stated conditions, provided:

(A) There is a clear balance in favor of the public interest in flood damage reduction in terms of the following environmental criteria:

1. The importance of a facility to the community.

2. The availability of alternative locations not subject to flooding for the proposed use.

3. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

4. The relationship of the proposed use to any applicable comprehensive plan or flood plain management program for the area.

5. The safety of access to the property in times of flood for ordinary and emergency vehicles.

6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

7. The degree to which the proposed activity would alter natural water flow or water temperature.

8. The degree to which archaeological or historic sites and structures, endangered or rare species of animal or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land types would be degraded or destroyed.

9. The degree to which the natural, scenic and aesthetic values at the proposed activity site could be retained.

(B) The project shall not:

1. Endanger human life.

2. Have high flood damage potential.

3. Obstruct flood flows nor increase flood heights or velocities unduly whether acting alone or in combination with other uses.

4. Degrade significantly the water carrying capacity of any delineated floodway or channel.

5. Increase significantly the rate of local runoff, erosion, or sedimentation.

6. Degrade significantly the quality of surface water or the quality or quantity of ground water.

7. Be susceptible to flotation.

8. Have service facilities installed below the elevation of the regulatory flood without being adequately flood proofed.

SECTION 6–4.3 TECHNICAL STANDARDS

(A) Standards used by state and local governments shall conform in principle to Commission standards but may vary in detail provided that resulting flood plain use will not be less restrictive than would result from the application of Commission standards. The Commission will review proposed state and local flood plain regulations to determine their compliance with Commission standards.

(B) Because of the variety and diversity of presently recognized hydrologic procedures, no one procedure or method is prescribed for determining the peak flow in cubic feet per second for the 100-year storm (Q 100) on which profiles for the delineation of flood hazard areas are based. The following may be used:

1. A Uniform Technique for Determining Flood Flow Frequencies—Bulletin No. 15—Water Resources Council, December 1967.

2. Basin-Wide Program for Flood Plain Delineation—Delaware River Basin Commission—Anderson-Nichols & Co., Inc., June 1973.

3. Magnitude and Frequency of Floods in New Jersey with Effects of Urbanization—Special Report 38 U.S.G.S.—New Jersey Department of Environmental Protection, 1974.

4. Guidelines for Determining Flood Flow Frequency—Bulletin No. 17—Water Resources Council, March 1976.

(C) Methods and procedures shall be uniform, so far as practicable, within sub-basins which have a major effect on the larger basins of which they are a part. To assist in achieving this objective the Commission staff will periodically provide to the various interested governmental agencies and others Q 100 data for key locations in the Delaware River Basin. These will be based on a Log Pearson Type 3 analysis of data from the U.S.G.S. gaging stations using station skew, regional skew, or weighted skew, depending on the scope of data at each station.

(D) State and local agencies may use their own methods, but the resulting Q 100s shall be in reasonable agreement with those of the Commission. Any significant difference shall be reviewed with and be subject to approval by the Executive Director.

SECTION 6–4.4 MAPPED AND UNMAPPED DELINEATIONS

(A) Whenever an official flood plain map providing the pertinent information is available with respect to a given project, the map shall be used for the delineation of the flood hazard area, floodway, flood fringe and determination of flood protection elevation.

(B) Whenever an official flood plain map providing the required information is not available with respect to a given project, the administrative agency shall require the project landowner to submit details concerning the proposed uses as needed to determine the floodway and flood fringe limits at the proposed site, including: cross-sections of the stream channel and overbanks, stream profile, and factors involved in determining obstructions to flow. From the data submitted, soil surveys, historic flood maps, high water marks and other empirical data, the applicant, subject to verification by the administrative agency, shall calculate flood hazard areas and establish the flood protection elevation for the particular site.

(C) Pending the preparation and completion of flood plain mapping, a "general flood plain" area shall be prescribed by the administrative agency to delineate for public guidance the areal limits of site locations which are required to be submitted for review under this regulation.

[Article 6–5]

ENFORCEMENT

Section 6–5.1 *General Conditions.* On and after January 1, 1977, where:

(A) The flood hazard at the site is clear, present and significant, or the local government having jurisdiction has special flood hazard areas identified pursuant to the National Flood Insurance Act; and

(B) The site is not subject to an approved state or municipal regulatory system having the same or similar effect on the flood hazard as this Article; the Commission may condition its approval of any local governmental project under Section 3.8 of the Compact upon the adoption and enforcement of flood plain regulations, approved hereunder, by the state or local government having jurisdiction.

Section 6–5.2 Any violations of this Article shall be subject to the penalties imposed by the Compact.

Section 6-5.3 *Prior Non-Conforming Uses.* A structure or the use of a structure or premises which was lawful before the adoption of this Article but which is not in conformity with the provisions hereof, may be continued subject to the following conditions:

(A) No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

(B) No structural alteration or addition to any non-conforming structure over the life of the structure shall exceed 50 percent of its value at the time of its becoming a non-conforming use, unless the structure is permanently changed to a conforming use.

(C) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Article.

(D) If any non-conforming use is destroyed by any means, including floods, to an extent of 50 percent or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of these regulations.

(E) Uses or adjuncts therof which are or become nuisances shall not be entitled to continue as non-conforming uses.

2. This regulation shall become effective upon its adoption.

[FR Doc.76-17977 Filed 6-18-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 564-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Proposed Plan Revisions

On May 31, 1972 (37 FR 10859) and September 22, 1972 (37 FR 19808), the Administrator approved the Georgia plan to attain and maintain the national ambient air quality standards in that State. The State subsequently made a number of revisions in the plan's regulations; the Administrator's actions with regard to these changes appeared in the FEDERAL REGISTER on March 27 (40 FR 13498), May 19 (40 FR 21725), and October 3 (40 FR 45818), 1975. On October 24, 1975, after notice and public hearing, the Environmental Protection Division of the Georgia Department of Natural Resources adopted additional changes in its air pollution control regulations. These changes were submitted as proposed implementation plan revisions to the Agency's Region IV office in Atlanta. The purpose of this notice is to describe the proposed changes in the Georgia plan and to invite public comment on them.

New definitions are added and some existing definitions are revised. The definition of "modification" is amended by specifying that the term will have the sense given to it by sections 111 and 112 of the Clean Air Act when meeting requirements established by EPA under those sections of that Act.

Section 391-3-1.02(1), Registration, is replaced by a section titled "General Requirement", which forbids sources to operate in violation of requirements established by EPA pursuant to sections 111 and 112 of the Clean Air Act.

In subsection 391-3-1.02(2), General Provision, a third paragraph is added; this provides that requirements more stringent than those set forth elsewhere may be imposed on a facility in order to meet any Federal law or regulation or to safeguard the public health and welfare.

The language of subsection 391-3-1.02 (2)(e), Particulate Emissions from Manufacturing Processes, is amended to allow the Director of the Environmental Protection Division to set, as a permit condition, emission limits which differ from those required by the application of the process weight rate tables, or by other sections of the regulations. The limit on particulate emissions from kaolin and fullers earth processes given at 391-3-1.02(2)(p)(1)(ii) is corrected to apply to sources with a process weight input rate in excess of 30 tons/hour.

Modifications and rewording changes were made in the rules for conical burners, normal superphosphate manufacturing facilities, open burning sources and incinerators. Minor changes are made in the language dealing with permits and enforcement.

The sulfur dioxide rules of subsection 391-3-1.02(2)(g)(1) are revised to remove reference to urban and rural areas. Subsection 391-3-1.02(2)(g), Sulfur Dioxide, continues to require that no source be exempted from the emission limits defined in revised paragraph (g)(1), and further explicitly states that sources subject to this regulation must also meet the sulfur-in-fuel limitation of paragraph (g)(3), which remains unchanged, in addition to the provisions of paragraphs (g)(1) and (g)(2). Paragraph (g)(4) also remains unchanged and allows the sulfur-in-fuel limit to be exceeded provided that sulfur oxide removal technology is used to reduce sulfur oxide emissions to that level which would be achieved by burning fuel specified in paragraph (g)(3) without sulfur oxide removal. (It should be noted that the EPA's regional office in Atlanta has determined that the sulfur-in-fuel limitation of paragraph (g)(3), with one exception, is sufficient standing alone to assure attainment and maintenance of the national ambient air quality standards for SO_2. For this exception, the State has issued to this source, and EPA has approved, a Permit to Operate which is conditioned in such a way as to effect emission limitations more stringent than those prescribed in the Georgia regulations and sufficiently stringent to assure attainment and maintenance of the national ambient air quality standards (40 FR 45818, October 3, 1975). Also, the application to any source of revised paragraph (g)(1), if approved, must be in accordance with EPA's recently issued policy on tall stacks, entitled "Legal Interpretation and Guideline to Implementation of Recent Court Decisions on the Subject of Stack Height Increase as a Means of Meeting Federal Ambient Air Quality Standards", 41 FR 7450, February 18, 1976.)

In the section on ambient air quality standards, the 8-hour standard for carbon monoxide is revised to 10 milligrams per cubic meter, and the measuring procedure for photochemical oxidants and nitrogen dioxide is designated as the chemiluminescent method or its equivalent.

Section 391-3-1.08, Confidentiality of Information, is revised to read as follows:

Information relating to secret processes, devices or methods of manufacture or production obtained by the Division shall be kept confidential. Provided, however, reports on the nature and amounts of stationary source emissions obtained by the Division shall be available for public inspections from the Division.

Legal Authority: Georgia Laws 1967, page 581 et seq., as amended; Georgia Laws 1975, page 1522.

(The Georgia plan's provisions for the public availability of emissions data were disapproved on September 26, 1974 (39 FR 34533)).

In support of these changes, the State of Georgia provided no revision in its approved control strategies. EPA's Region IV Office has, for its part, determined that no revision to the control strategy portion of the plan is required since there is no change in the allowable emission limits upon which the Administrator's original approval of the plan was based.

In submitting these revisions, the Director of the Environmental Protection Division also requested "that EPA delegate to the State of Georgia the enforcement and program operation authorities to carry out the requirements of EPA regulations on New Source Performance Standards, Hazardous Air Pollutant Emission Standards and Non-Significant Deterioration." On May 3, 1976, such delegations were effected and will be described elsewhere in this issue of the FEDERAL REGISTER.[1]

Copies of the information submitted by Georgia may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20450.

Air Protection Branch, Environmental Protection Division, Department of Natural Resources, Room 816, 270 Washington Street, S.W., Atlanta, Georgia 30334.

Interested persons are encouraged to submit written comments on the Georgia plan revisions. To be considered, such comments must be received on or before July 21, 1976, and should be addressed to D. Randall Mayfield of the Agency's Region IV Air Programs Branch in Atlanta (see address above). After carefully weighing relevant comments received and all other information avail-

[1] See FR Doc. 76-17913, under the Environmental Protection Agency in the Notices section of this issue.

able to him, the Administrator will take approval/disapproval action on these changes in the Georgia plan.

(Section 110 of the Clean Air Act (42 U.S.C. 1857c–5))

Dated: June 11, 1976.

JACK E. RAVAN,
Regional Administrator, Region IV.

[FR Doc.76–17912 Filed 6–18–76;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Part 615]

FUNDING AND FISCAL AFFAIRS

Federal Intermediate Credit Bank Class B Stock, Participation Certificates, and Allocated Legal Reserve

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration a proposed amendment of its regulations as set forth below in tentative form. The amendment would revise the regulations dealing with the retirement of Federal intermediate credit bank class B stock, participation certificates, and allocated legal reserve.

Prior to final adoption of this amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than July 21, 1976, to the Director of Technical Services, Office of Credit and Operations, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 615.5320 as follows:

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5320 Retirement of Federal intermediate credit bank class B stock, participation certificates, and allocated legal reserve.

(a) When there is no stock held by the Governor, the bank may retire class B stock at par, participation certificates at face amount, and allocated legal reserve at fair book value without preference to all holders thereof and in such manner that the oldest outstanding stock, participation certificates, or allocated legal reserve will be retired first provided that after such retirements, the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration.

(b) Notwithstanding the provisions of paragraph (a), the following shall be applicable:

(1) Class B stock, participation certificates, and allocated legal reserve may be retired at fair book value thereof, not exceeding par or face amount as the case may be, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, provided that when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first surrender that which was acquired by purchase to the extent available and thereafter, surrender that acquired by patronage distributions from the bank;

(2) When authorized by the bank board, class B stock, participation certificates, and allocated legal reserve may be retired at the fair book value thereof, not exceeding par value or face amount as the case may be:

(i) In the case of total or partial liquidation of the debt of a production credit association or an other financing institution which is in default;

(ii) In case of liquidation or dissolution of a production credit association under § 611.1130 of these regulations; or

(iii) In case of liquidation or dissolution of an other financing institution.

(3) The bank board may authorize the retirement of unimpaired participation certificates at face amount and allocated legal reserve at fair book value owned by an other financing institution as follows:

(i) Upon termination of the financing agreement; or,

(ii) If the participation certificates were purchased and are in excess of the capital needed to support the maximum amount of credit authorized to be outstanding. The board may delegate to bank management authority to approve such retirements within prescribed bank policy guidelines.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

C. K. CARDWELL,
Acting Governor,
Farm Credit Administration.

[FR Doc.76–17971 Filed 6–18–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 83]

[Docket No. 20838; FCC 76–523]

SHIP STATIONS FOR PUBLIC CORRESPONDENCE

Great Lakes and Saint Lawrence Seaway

In the matter of amendment of Parts 2 and 83, on the Great Lakes and along the Saint Lawrence Seaway: to change the status of 157.425 and 162.025 MHz, to form them into VHF channel 88, and to make channel 88 available for assignment to ship stations for public correspondence.

1. Notice of proposed rule making in the above-captioned matter is hereby given.

2. In this rule making the Commission is proposing to make available to ship stations plying the Great Lakes and Saint Lawrence Seaway, VHF channel 88, a duplex pair including 157.425 and 162.025 MHz.

3. The frequency 157.425 MHz is presently available for intership communications aboard commercial vessels and, additionally, is available for use between those vessels and associated aircraft while engaged in commercial fishing (fish spotting). In areas other than the Great Lakes and Saint Lawrence Seaway, 157.425 MHz will continue to be available for these purposes. On the Great Lakes and Saint Lawrence Seaway, 157.425 MHz will be limited to public correspondence.

4. The frequency 162.025 MHz is in the Government frequency band 162.0125–173.2 MHz, however, it has been cleared for the proposed usage. In areas other than the Great Lakes and Saint Lawrence Seaway, 162.025 MHz will continue to be used by Government stations.

5. The proposed amendments to the rules, as set forth below are issued pursuant to the authority contained in section 303(c), (f), (g), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 22, 1976, and reply comments on or before August 2, 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.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished 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: June 8, 1976.

Released: June 16, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

1. In § 2.106, footnote "US223" is added in column 6 opposite the band 157.1875–162.0125 MHz and the band 162.0125–173.2 MHz; and a new footnote, US223, is added under the heading "U.S. Footnotes", as follows, and US221 and US222 are designated reserved as set forth below.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission				
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature of services, of stations
5	6	7	8	9	10	11
*	*	*	*	*	*	*
157.1875–162.0125	NG. (US77) (US200) (NG111)	157.1875–157.450	Maritime mobile (NG5).	Ship	157.200	Maritime mobile.
					157.225	Do.
					157.250	Do.
					157.275	Do.
					157.300	Do.
					157.325	Do.
					157.350	Do.
					157.375	Do.
					157.400	Do.
	(US223)				157.425	Do.
*	*	*	*	*	*	*
162.0125–173.2	G. (US8) (US11) (US13) (US216) (US223)				166.25	Public safety, remote pickup.
					170.15	Do.
					170.425	Public safety.
					170.475	Do.
					170.575	Do.
					171.425	Do.
					171.475	Do.
					171.575	Do.
					172.225	Do.
					172.275	Do.
					172.375	Do.
*	*	*	*	*	*	*

US223 Within 75 miles of the United States/Canada border on the Great Lakes and Saint Lawrence Seaway, use of coast transmit frequency 162.025 MHz and ship station transmit frequency 157.425 MHz (VHF maritime mobile service channel 88) may be authorized for use by the maritime mobile service for public correspondence.

PART 83, STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

2. In § 83.351, the tables in paragraph (a) and paragraph (b) (55) are amended, and a new paragraph (b) (72) is added, to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency	Conditions of use	
	Section	Limitations
* * * * * * *		
Megahertz		
* * * * * * *		
157.425	83.359	33, 55, 72

(b) * * *

(55) Except in the Great Lakes and along the St. Lawrence Seaway, available for intership and commercial communications and may be assigned to ship stations aboard commercial transport vessels engaged in commercial fishing, in addition to the frequencies designated by paragraph (b) (49) of this section, and between these commercial vessels and associated aircraft while engaged in commercial fishing activities.

* * * * *

(72) In the areas of the Great Lakes and along the St. Lawrence Seaway, 157.425 MHz is half of the duplex pair designated as channel 88. In these two areas, channel 88 is available for use by ship stations for public correspondence communications.

* * * * *

In § 83.359, that part of the table headed "Public Correspondence" is amended to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

* * * * *

Channel designator	Frequency (megahertz)		Points of communication
	Ship	Coast	
*	*	*	*
PUBLIC CORRESPONDENCE			
*	*	*	*
28	157.400	162.000	Do.
88	157.425	162.025	Do.

[FR Doc.76–17807 Filed 6–18–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Withdrawal of Proposed Rulemaking

On March 1, 1976, notice of a proposed amendment to Section 107.201, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations was published in the FEDERAL REGISTER (41 FR 8800). Comments on the proposed rulemaking were solicited.

After careful consideration of the matter, including the comments reviewed, it has been deemed advisable not to finalize the proposed regulation at this time. In lieu thereof, alternative measures are being considered, including a proposed amendment to the inactivity regulation § 107.1003.

Accordingly, the proposed amendment to Section 107.201, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations as published in 41 FR 8800 on March 1, 1976 is hereby withdrawn.

(Catalog of Federal Domestic Assistance Program 59.0111 Small Business Investment Companies.)

Dated: June 17, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–18174 Filed 6–18–76;10:14 am]

notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 25 (Rev. 7)]

ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS), ET AL.

Delegation of Authority

Subject: Reimbursement for actual subsistence expenses or per diem allowance to high-rate geographical areas for official travel.

1. Pursuant to authority delegated to the Commissioner of Internal Revenue by the Department of the Treasury Administrative Circular No. 5 Revised and Supplement No. 1, the officials named below are authorized, when the unusual circumstances of the travel assignment justify,

a. To authorize or approve reimbursement for subsistence expenses on an actual expense basis, or

b. To authorize in advance of performance of travel appropriate per diem allowances in lieu of actual subsistence reimbursement for travel to high-rate geographical areas, except when written IRS/Union agreement provide otherwise.

2. This authority applies to employees traveling on official business in accordance with the Consolidated Travel Authorization or individual travel orders subject to the limitations prescribed by the Federal Travel Regulations.

3. List of delegated officials:

Assistant to the Commissioner (Public Affairs)
Assistant Commissioners
Director of International Operations
Director, IRS Data Center
Chief Counsel
Director, Administrative Services Division, Office of Chief Counsel
Regional Commissioners
Regional Inspectors
Regional Counsel
District Directors
Service Center Directors

4. No redelegation of this authority may be made.

5. This Order supersedes Delegation Order No. 25 (Rev. 6) issued April 16, 1973.

Date issued: June 21, 1976.

Effective date: June 21, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-18021 Filed 6-18-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meetings

JUNE 10, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Cruise Missile Technology will hold meetings on July 13, 14 and 15 from 8:30 a.m. to 5:30 p.m. at Wright-Patterson Air Force Base, Ohio, and on August 17 and 18, 1976 from 8:30 a.m. to 5:30 p.m. in the Pentagon, Washington, D.C.

The Committee will receive classified briefings and conduct classified discussions.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.76-18012 Filed 6-18-76;8:45 am]

Department of the Army

SAM RAYBURN DAM AND RESERVOIR, TEXAS

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

Correction

In FR Doc. 75-30514 appearing at page 52866, in the issue for Thursday, November 13, 1975, the following changes should be made on page 52867:

1. In the table entitled "Exhibit A. *Lands transferred from the Secretary of Agriculture to the Secretary of the Army*", in the column entitled "Acres to be transferred", the twenty-second figure now reading "156", should read "168", and the thirty-first figure now reading "1,885" should read "1,855".

2. In the third column, the eleventh line from the end of the document, now reading "Various Part of rights-of-way for aban-", should read "Various segments: Part of rights-of-way for aban-".

3. In the third column, the last line of the document should read "Angelina National Forest Lufkin, Texas."

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

RICHFIELD DISTRICT MULTIPLE USE ADVISORY BOARD, UTAH

Meeting

Notice is hereby given that the Richfield District Multiple Use Advisory Board of the Bureau of Land Management, U.S. Department of the Interior, will meet in the Richfield District Office of the Bureau of Land Management, 650 North Main Street, Richfield, Utah at 9:30 a.m. on Tuesday, August 17, 1976, and 8:00 a.m. on Wednesday, August 18, 1976.

The meeting agenda for the first day will cover organization of the Board, election of officers, appointment of committees and an orientation of the Board members to the major resource programs and opportunities within the Richfield District. The second day will be a tour of Southern Emery coal field, proposed Intermountain Power Plant site and the Henry Mountain coal field.

The meeting is open to the public. Interested persons may make oral presentations to the Board or file written statements. Such statements should be presented to the official listed below at least one day prior to the meeting.

Further information concerning this meeting may be obtained from Donald L. Pendleton, District Manager, Bureau of Land Management, P.O. Box 768, Richfield, Utah 84701, telephone number 896-5401.

Dated: June 14, 1976.

DONALD L. PENDLETON,
District Manager.

[FR Doc.76-18013 Filed 6-18-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Notice of Official Action

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

purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 20, 1976 (41 FR 7796-97)

Applicant: Eastern Peregrine Falcon Recovery Team, U.S. Fish and Wildlife Service, Post Office Box 1518 (55 Pleasant Street), Concord, New Hampshire 03301. Rene M. Bollengier, Jr., Team Leader.

Official Action: Issued permit May 4, 1976: Authorized to conduct activities with Peregrine Falcons (*Falco peregrinus anatum*), and North American Arctic Peregrine Falcons (*Falco peregrinus tundrius*), as specified in Block 10 (all States east of the 100th meridian in the contiguous United States), for purposes of scientific research and propagation.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 15, 1976 (41 FR 10934-35-36)

Applicant: Rocky Mountain Southwestern Peregrine Falcon Recovery Team, Denver, Colorado 80221. Gerald R. Craig, Leader.

Official Action: Issued permit May 7, 1976: Authorized to conduct activities with PEREGRINE FALCONS (*Falco peregrinus anatum*), as specified in Block 10 (entire States of Arizona, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming. Importation activities must comply with 50 CFR 14.12): For the purposes of scientific research and propagation.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 12, 1976 (41 FR 10693)

Applicant: Mr. Dean Nadatani, Kauai Game Bird Farm, Box 203, Lawai, Kauai, Hawaii 96765.

Official Action: Issued permit May 7, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Wichita, Kansas, to Kauai, Hawaii), six (6) SWINHOE'S PHEASANTS (*Lophura swinhoii*), for the purpose of propagation, from the following source: Kansas Game Bird Farm, Wichita, Kansas."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 29, 1976 (41 FR 12909-10)

Applicant: Mr. Elmer A. Heft, 398 Lake Street, Green Lake, Wisconsin 54941.

Official Action: Issued permit May 7, 1976: "Authorized to export, as specified in Block 10 (from Green Lake, Wisconsin, to Delvin, Ontario, Canada), the following species and numbers of endangered pheasants, for the purpose of propagation, to Mr. Jack Schuriteman, Jr., Delvin, Ontario, Canada, Route 2: BAR-TAILED (HUME'S PHEASANTS (*Syrmaticus humiae*), 2 males, EDWARD'S PHEASANTS (*Lophura edwardsi*), 2 males, PALAWAN PEACOCK PHEASANTS (*Polyplectron emphanum*), 2 females."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 10, 1976 (41 FR 10237-38-39)

Applicant: Mrs. Erma J. Fisk, 17101 S.W. 284 Street, Homestead, Florida 33030.

Official Action: Issued permit May 10, 1976: "Authorized to capture and band, as specified in Block 10 (in the State of Florida), BROWN PELICANS (*Pelecanus occidentalis*), for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 25, 1976 (41 FR 12313)

Applicant: Albert M. Finney, Route 1, Box 373, Naches, Washington 98937.

Official Action: Issued permit May 10, 1976: "Authorized to receive interstate in the course of a commercial activity, as specified in Block 10 (from New York to Washington), one (1) male, and one (1) female WHITE-EARED PHEASANT (*Crossoptilon crossoptilon*), for the purpose of propagation, from the following source: Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, Long Island, New York."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 12, 1976 (41 FR 10692-93)

Applicant: Mr. Michael J. McElevey, 4341 SW Concord Street, Seattle, Washington 98136.

Official Action: Issued permit May 10, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Salem, New Hampshire, to Seattle, Washington), one (1) male, and one (1) female BROWN-EARED PHEASANT (*Crossoptilon mantchuricum*), for the purpose of propagation, from the following source: Mr. Don Meisner, Salem, New Hampshire."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 29, 1976 (41 FR 12908-09)

Applicant: Norman C. Gran, R.R. #1, Mill Road, Lakefield, Minnesota 56150.

Official Action: Issued permit May 10, 1976: Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Nebraska to Minnesota), thirteen (13) male, and five (5) female LAYSAN DUCK—TEAL (*Anas laysanensis*), from Mrs. R. W. Hanson, Kearney, Nebraska, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 12, 1976 (41 FR 6293-94-95)

Applicant: San Francisco Zoological Gardens, Zoo Road & Skyline Boulevard, San Francisco, California 94132. Saul L. Kitchener, Director.

Official Action: Issued permit May 11, 1976: "May export, as specified in Block 10 (from the San Francisco Zoological Gardens, to the Jardin Zoologico, Caracas, Venezuela), two (2) female JAGUARS (*Panthera onca*), for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 15, 1976 (41 FR 10936-37)

Applicant: Ms. Venita A. Basham, 321 Redondo Court, Stockton, California 95207.

Official Action: Issued permit May 12, 1976: Authority to conduct activities, as specified in Block 10 (in Carpenteria and Goleta marshes, Santa Barbara County, California), with the LIGHT-FOOTED CLAPPER RAIL (*Rallus longirostris levipes*), for the purpose of scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 9, 1976 (41 FR 5647-48)

NOTICE OF RECEIPT OF ADDENDUM TO APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 27, 1976 (41 FR 8515)

Applicant: Tennessee Valley Authority, Norris, Tennessee 37828. Dr. Thomas H. Ripley, Director, Division of Forestry, Fisheries, and Wildlife Development.

Official Action: Issued permit May 13, 1976: Authorized to conduct activities as specified in Block 10 (in the State of Tennessee), with the SNAIL DARTER (*Percina tanasi*), for the purpose of scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JANUARY 5, 1976 (41 FR 788)

Applicant: University of Nevada, Department of Biological Sciences, Las Vegas, Nevada 89154. Dr. James E. Deacon, Professor of Biology.

Official Action: Issued permit May 17, 1976: Authorized to take from the Hoover Dam Refugium, not to exceed twenty (20) DEVIL'S HOLE PUPFISH (*Cyprinodon diabolis*), for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 16, 1976 (41 FR 11045-46)

Applicant: Indiana University, Zoology Department, Bloomington, Indiana 47401. Mary Ann Wright-Smith.

Official Action: Issued permit May 20, 1976: Authorized to conduct activities as specified in Block 10 (Dixie National Forest, Utah), with UTAH PRAIRIE DOGS (*Cynomys parvidens*), for the purpose of scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 12, 1976 (41 FR 6292-93)

Applicant: Mr. Mark L. Runnals, 220 Pine Street, Holyoke, Massachusetts 01040.

Official Action: Issued permit May 25, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (in Covina, California; Downers Grove, Illinois; Holyoke, Massachusetts), two (2) pairs of SCARLET-CHESTED PARROTS (*Neophema splendida*), and two (2) pairs of TURQUOISE PARAKEETS (*Neophema pulchella*), for the purpose of propagation, from the following sources: Mrs. Patty Bryant, Covina, California, and Mr. William Vokoun, Downers Grove, Illinois."

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

Dated: June 15, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-18028 Filed 6-18-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-43]

B. P. & K. MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), B. P. & K. Mining, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine, Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposed to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:

(a) Original manufacturer's brakes

(b) Engine or Jacobs brakes

(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17936 Filed 6-18-76;8:45 am]

[Docket No. M 76-444]

BLACK RIDGE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Black Ridge Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Campbell County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The requirement of canopies for electrical face equipment in the subject mine, will result in a diminution of the safety of the miners exposed to the underground conditions in the mine. The coal seams in which these mines are located are irregular, undulating and of insufficient constant height to permit the safe use of mining equipment equipped with canopies. Mining conditions in these coal seams are such as to require the operator on accasions to lay prone or flat on the machine in order to prevent his body from striking the roof. The accident and injury rate of Petitioner substantiates its position that the safety conditions without the canopies are superior to the conditions that would exist if the canopies were installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17935 Filed 6-18-76;8:45 am]

[Docket No. M 76-165]

CLEVINGER BROTHERS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Clevinger Brothers Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Elkhorn City, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from room falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's haulage equipment consists of two Kersey motors.

2. The subject mine is located in the Winfred Seam which ranges in height from 38 to 50 inches. Characteristic of the coal seam are ascending and descending grades.

3. The installation of canopies on the haulage equipment will reduce the machine operator's vision, creating a hazard to the operator and other miners in the area.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17937 Filed 6-18-76;8:45 am]

[Docket No. M 76-87]

DOUBLE M COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Double M Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine, Clintwood, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. With canopies installed on their equipment, operators of continuous miners and shuttle cars must lean out of their machines to acquire the unobstructed view necessary to operate the machinery.

2. The height of the coal seam in the subject mine varies from 38 inches and 44 inches. The coal seam and mine floor are characterized by undulations which make the installation of canopies on the mining equipment impractical.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17938 Filed 6-18-76;8:45 am]

[Docket No. M 76-121]

J & D COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), J & D Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6), of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows: The equipment which, under section 75.1710, will be required to have cabs or canopies in mines will be operated in a coal seam of 28 inches in height. The equipment has a height of 26 inches. Petitioner has two battery powered scoops: one built in 1973, the other in 1975. These scoops were not equipped with cabs or canopies and were not designed for them. The operator's compartment is very compact and any additional structure would cause the operator to be in a hazardous position while operating the machine.

Petitioner has purchased the lowest mining equipment that is manufactured. This equipment is operated in a coal seam where there is only 1 to 4 inches clearance from the top of the machine to the mine roof.

Petitioner strongly feels that the installation of cabs or canopies in this coal seam would create hazardous conditions and therefore greatly increase the accident frequency.

Employees feel they would be endangered in that they would have to lie flat on scoops, enclosed with a canopy, leaving them with a totally obstructed view on the left side of the machinery.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and

Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17939 Filed 6-18-76;8:45 am]

[Docket No. M 76-51]

LAUREL CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Laurel Creek Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 77.165(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposed to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:

(a) Original manufacturer's brakes

(b) Engine or Jacobs brakes

(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17940 Filed 6-18-76;8:45 am]

[Docket No. M 76-179]

LEECHBURG MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Leechburg Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Foster 65 Mine, Leechburg, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active working of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner respectfully requests the modification of the application of the foregoing mandatory safety standard with respect to the subject mine for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner asserts that technology does not presently exist to enable it to equip (or adapt to prior design) its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further asserts that based upon its experience with presently available canopies, the use of such canopies results in a diminution of safety to the miners in said mine.

3. The average mining height for the subject mine contained in this petition is 42 to 48 inches, less a decrease of 12 inches in the height as a result of installation of supplemental supports and wedges, electric cables and temporary water lines in accordance with approved roof support plans.

Wherever possible the effective mining height is limited to 30 to 38 inches in order to mine as little as possible of a high ash, high sulfur top bone, thus enabling the product to be acceptable under air pollution standards in the eastern utility markets.

The Lower Kittanning coal seam in the mine contained in this petition is operated both East and West of the Roaring Run Anticline which results in undulations and roll in ascending and descending grades that further limits and prevents the effective use of cabs or canopies.

4. Operators of face equipment, including shuttle car operators, are under Mining Enforcement and Safety Administration approved plans for permanently and for temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled electric face equipment

and these helpers and other personnel freely move about the mine under the protection of approved roof supports.

5. Petitioner's experience currently underway indicates the application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

a. Several instances have occurred where canopies became wedged against the roof, cables and water lines have been torn up and damaged, roof bolts and roof plates have been sheared and broken, resulting in severe lacerations.

b. It is believed that employees strongly object to operating machinery so equipped, and Petitioner alleges a diminution of safety resulting from impaired vision and very cramped operating positions. The impaired vision and cramped operating positions cause the following hazards and unsafe practices:

(1) Miners attempt to operate the machinery while standing or kneeling between it and the coal rib, thus incurring a risk of being crushed should the machine slue.

(2) Between impaired vision and cramped positions, the operator will expose his head and feet to the risk of being crushed between the machine and coal rib or roof supports.

(3) Ingress and egress from the cab or canopy is extremely limited.

(4) Impaired vision is given as a major cause by machine operators for the damaging or severing of power cables, and the increased risk of injury to fellow employees because the operator cannot adequately see other employees and/or equipment.

(5) Cleanup of loose coal at the faces with the loading machine will be impossible due to extremely poor visibility from the operator's position inside the canopy.

(6) The protruding canopy will seriously interfere with the volume of face ventilation where the face ventilating current of air will be conducted through a smaller area due to clearance for the machinery at roof supports for the line brattice.

6. At present, Petitioner is unaware of any proposed commercially manufactured canopy which could be installed that would provide the same degree of safety to miners as the complete removal of the canopy would provide.

7. Hence, the alternate method petitioner proposes to establish, in lieu of the mandatory standard, is the elimination of canopies on its face machinery, including shuttle cars, until such time as technology established beyond doubt that canopies can be safely used in petitioner's mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17941 Filed 6-18-76;8:45 am]

[Docket No. M 76-447]

LONE MOUNTAIN COAL CO. NO. 1

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Lone Mountain Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, Robbins, Tennessee.

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.* * *

The substance of Petitioner's statement is as follows:

The requirement of canopies for electrical face equipment in the subject mine, will result in a diminution of the safety of the miners exposed to the underground conditions in the mine. The coal seams in which these mines are located are irregular, undulating and of insufficient constant height to permit the safe use of mining equipment equipped with canopies. Mining conditions in these coal seams are such as to require the operator on occasions to lay prone or flat on the machine in order to prevent his body from striking the roof. The accident and injury rate of Petitioner substantiates its position that the safety conditions without the canopies are superior to the conditions that would exist if the canopies were installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17942 Filed 6-18-76;8:45 am]

[Docket No. M 76-173]

LOONEY & FIELDS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Looney & Fields Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 mine, Elkhorn City, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

* * *

The substance of Petitioner's statement is as follows:

1. The equipment to which the petition pertains consists of a bolting machine, a loading machine, and three porter buggies.

2. The mine is located in the Elkhorn seam which ranges in height from 38 inches to 50 inches. The coal seam is characterized by undulations.

3. If canopies were installed on the machinery described above, the operators would be forced into a cramped position which would obstruct their vision and limit their reaction time. Such reduction of vision and reaction time could lead to accidents.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17943 Filed 6-18-76;8:45 am]

[Docket No. M 76-47]

R. & E. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), R. & E. Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 6, Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposed to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturer's brakes
(b) Engine or Jacobs brakes
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17944 Filed 6-18-76;8:45 am]

[Docket No. M 76-48]

R. & E. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), R. & E. Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 8, Buchanan County, Virginia.

30 CFR 77.1650(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposed to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturer's brakes
(b) Engine or Jacobs brakes
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternate method outlined above will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17945 Filed 6-18-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-159]

REECE LEMAR COAL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Reece LeMar Coal, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Harlan, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment to which the petition pertains is: Sullivan Cutting Machine, Joy T-2 Truck, Paul Machine Shop Roof Bolter, Goodman 670—21 Shuttle Car, 81C Jeffrey Loader.

2. The equipment listed above is operated in a coal seam which is approximately 40 inches in height. The condition of the roof and floor is uneven and rough.

3. The installation of cabs or canopies would result in a diminution of safety because the structures would obstruct the machine operator's vision and damage the roof support in the mine.

4. As an alternative to the installation of the cabs or canopies, Petitioner proposed to follow a program of strict compliance with roof control plans, conduct an extensive roof examination and roof control schools for employees, and devise long-range plans to operate equipment with canopies in future mining ventures.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17946 Filed 6-18-76;8:45 am]

[Docket No. M 76-119]

RIDGE LAND CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Ridge Land Company has filed a petition to modify the application of 30 CFR 75.305 to its No. 3 Venus Mine, Pocahontas, Virginia.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine.

The substance of Petitioner's statement is as follows:

At Petitioner's No. 3 Mine, inspections of the return airways in its entirety is impossible because of numerous roof falls and extremely hazardous roof conditions. The limited life of the mine makes it economically infeasible to rehabilitate this area. The return is not a designated escapeway.

There are locations where the airways may be entered and air readings taken and tests for methane made. Petitioner proposes that the aforementioned examinations be made in these locations and the results recorded.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17947 Filed 6-18-76;8:45 am]

[Docket No. M 76-146]

RIVERTON COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Riverton Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 35, Krebs, Fayette County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

Petitioner avers that application of the above-stated standard to its No. 35 Mine will result in a diminution of safety to the miners in such mine, and in support thereof states:

1. The No. 35 Mine is operating in the Peerless Coal Seam which is approximately 38 inches high but the mining height in such seam may vary. The No. 35 Mine currently produces approximately 775 tons of coal per day on two coal producing shifts with three operating sections.

2. After a thorough investigation by Petitioner, it has been determined that compliance with 30 CFR 75.1710–1 for electric face equipment at Petitioner's No. 35 Mine will result in a diminution of safety to the miners in such mine because personnel who operate such equipment in such mine must constantly be on the lookout for other personnel in such mine. Because of the restricted height in the areas in which such equipment operates, if cabs or canopies are provided for such equipment, the vision of the equipment operators is substantially restricted so that safety hazards to other personnel in such mine are increased. In addition to reduced vision, such equipment operators of electric face equipment equipped with cabs or canopies in a mining height of less than 48 inches have difficulty reaching the controls of such equipment and cabs or canopies make it difficult for some of the equipment operators to get into and out of such equipment.

3. Attached hereto as Exhibit I[1] is a statement signed by the employees at Petitioner's No. 35 Mine, which statement shows that the employees at such mine are of the opinion that the operation of electric face equipment with cabs or canopies where the mining height is less than 48 inches is more hazardous to the personnel in the mine than operation of such equipment without cabs or canopies.

4. No imminent danger is involved. The operation of electric face equipment with cabs or canopies in Petitioner's mine where the mining height is less than 48 inches is more hazardous to the personnel in such mine than operation of such equipment without cabs or canopies and results in a diminution of safety to the miners in such mine.

5. Petitioner requests that in lieu of the mandatory safety standard contained in 30 CFR 75.1710–1 that it be permitted to continue to operate electric face equipment in such mine without cabs or canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17948 Filed 6-18-76;8:45 am]

[1] Exhibit I is available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 76-448]

ROYAL DEAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Royal Dean Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Morgan County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The requirement of canopies for electrical face equipment in the subject mine, will result in a diminution of the safety of the miners exposed to the underground conditions in the mine. The coal seams in which these mines are located are irregular, undulating and of insufficient constant height to permit the safe use of mining equipment equipped with canopies. Mining conditions in these coal seams are such as to require the operator on occasions to lay prone or flat on the machine in order to prevent his body from striking the roof. The accident and injury rate of Petitioner substantiates its position that the safety conditions without the canopies are superior to the conditions that would exist if the canopies were installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17949 Filed 6-18-76;8:45 am]

[Docket No. M 76-446]

RYANS CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Ryans Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 7, McCreary County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The requirement of canopies for electrical face equipment in the subject mine, will result in a diminution of the safety of the miners exposed to the underground conditions in the mine. The coal seams in which these mines are located are irregular, undulating and of insufficient constant height to permit the safe use of mining equipment equipped with canopies. Mining conditions in these coal seams are such as to require the operator on occasions to lay prone or flat on the machine in order to prevent his body from striking the roof. The accident and injury rate of Petitioner substantiates its position that the safety conditions without the canopies are superior to the conditions that would exist if the canopies were installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17950 Filed 6-18-76;8:45 am]

[Docket No. M 76-55]

SOUTH EAST COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), South East Coal Company has filed a petition to modify the application of 30 CFR 75.800 to its No. 401 Mine, Whitesburg, Kentucky.

30 CFR 75.800 provides:

High-voltage circuits entering the underground area of any coal mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.

The substance of Petitioner's statement is as follows:

The electrical systems Petitioner presently employs at the subject mine consist of a 34.5 KV solid grounded wye feeding an isolation transformer. The isolation transformer. The isolation transformer is delta connected on the primary side, wye connected on the secondary side, and is resistance grounded. The isolation transformer then feeds two banks of transformers on the surface prior to entering the underground portion of the mine. The frames of all transformer and hardware in the electrical enclosure are grounded with the ground of the system feeding the isolation transformer. The resistance ground is insulated and removed a minimum of 25 feet from any of the frame grounds. The two banks of transformers which feed surface loads are fused on the primary side in accordance with the National Electric Code of 1975.

Past experience has shown that should one of the transformers serving the surface loads have a phase to ground fault on the primary side, it would clear itself by blowing the fuse on that phase which is grounded. Since the fault will clear itself, it will pose no hazard for the underground system at this mine. Therefore, Petitioner feels that the present ground fault protection at this mine is in compliance with the federal mine safety law and offers no less protection for the men working in this mine than the mandatory safety standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17951 Filed 6-18-76;8:45 am]

[Docket No. M 76-110]

W-P COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), W-P Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 18-C, 19-C and 20 Mines, Omar, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.* * *

The substance of Petitioner's statement is as follows:

1. On September 9, 1975, MESA issued a notice on Petitioner's equipment at its No. 20 Mine (I.D. 46-03845), which gave Petitioner until October 10, 1975, to install canopies or cabs on its face equipment. By October 6, 1975, Petitioner had installed canopies on the shuttle cars, roof bolter and cutting machine. The Miners' Safety Committee at this mine asked Petitioner to observe the equipment in operation. While tramming the machine, the roof-bolt operator was almost injured when the canopy hit his back because the bottom and top are irregular in this seam of coal.

2. The safety committeeman who was to operate the roof-bolter refused to operate the machine with the canopy installed. He, along with the other safety committeemen, checked the cutting machine and placed a danger sign on it. In order to operate this equipment, Petitioner had to remove the canopies.

3. These canopies pose a hazard to the miner operating the equipment. Miners have stated that they will not run the equipment with canopies due to obstructed vision. Also, in the event of a power failure in this coal seam, if the equipment were near a rib, the operator of that equipment could not get out of his equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or

furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17953 Filed 6-18-76;8:45 am]

[Docket No. M 76-185]

WILLIAMS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Williams Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 7A Mine, Mouth Card, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The petition for modification applies to all self-propelled electric face equipment operated by Petitioner in the subject mine.

2. Petitioner believes that the installation of canopies will result in a diminution of safety since the machine operator will have less maneuverability inside the machine compartment and his vision will be obstructed by the canopy or cab.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 14, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-17952 Filed 6-18-76;8:45 am]

National Park Service

[INT DES 76-24]

PROPOSED DRAFT MASTER PLAN—ACADIA NATIONAL PARK, MAINE

Availability—Revised Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a revised draft environmental statement for the proposed draft master plan, Acadia National Park, Maine.

The revised draft environmental statement considers the protection of natural and cultural resources, the land use concepts and classification of parklands, the interpretation of park resources, the authorization and establishment of a park boundary, and interrelationship with projects of other agencies, local organizations and private interests.

Public meetings are being scheduled for discussion on this revised draft environmental statement. Notice of such meetings will be made subsequently in the FEDERAL REGISTER. Written comments are invited on this revised environmental statement and will be accepted until October 19, 1976, or for 30 days following the last public meeting, whichever is later. Comments should be addressed to the Superintendent, Acadia National Park (address given below). Copies of this revised draft environmental statement are available from the following locations:

Superintendent, Acadia National Park, Hulls Cove, Maine 04644.

Office of Public Affairs, National Park Service, Mid-Atlantic Region, 143 S. Third Street, Philadelphia, Pennsylvania 19106.

National Park Service, North Atlantic Region, 150 Causeway Street, Boston, Massachusetts 02114.

Dated: June 11, 1976.

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

[FR Doc.76-17978 Filed 6-18-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Indiana Grain Inspection Point

Notice is hereby given pursuant to section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on May 5, 1976, there was published in the FEDERAL REGISTER (41 FR 18535) a notice announcing a request by the Titus Grain Inspection, West Lafayette, Indiana, that its assignment of inspection points be amended to add Delphi, Indiana, as a designated inspection point. Interested persons were given until June 4, 1976, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the May 5, 1976, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of Titus Grain Inspection, West Lafayette, Indiana, is amended to add Delphi, Indiana, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective June 21, 1976.

Done in Washington, D.C. on June 16, 1976.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.76-18019 Filed 6-18-76;8:45 am]

Soil Conservation Service

BUSH RIVER WATERSHED PROJECT, VIRGINIA

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Bush River Watershed project, Prince Edward County, Virginia, USDA-SCS-EIS-WS-(ADM)-76-3(F)-VA.

The EIS concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and fish and wildlife development. The planned works of improvement provide for conservation land treatment, 1 multipurpose reservoir with capacity for floodwater retarding and municipal and industrial water, 1 multipurpose reservoir for floodwater and fish and wildlife development, and 6 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 9206, Federal Building, 400 N. Eighth Street, P.O. Box 10026, Richmond, Virginia 23240.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 11, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-18010 Filed 6-18-76;8:45 am]

MCKINNEY-BUZZARD CREEK WATERSHED PROJECT, OKLAHOMA

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (33 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 20550, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the McKinney-Buzzard Creek Watershed project, McCurtain County, Oklahoma, USDA-SCS-EIS-WS-(ADM)-76-1 (F) - OK.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work and one floodwater retarding structure. The channel work will involve 2.42 miles of new channel construction and 6.78 miles of enlargement by excavation to provide improved water management on 1,500 acres of agricultural flood plain. Of the 9.20 miles of channel work proposed, 5.84 miles will involve existing channels with only ephaemeral flow, while the balance will involve either existing ponded or flowing water or completely new channels where none existed before.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 11, 1976.

SHELDON G. BOONE,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-18011 Filed 6-18-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Modification of a Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (c) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Public Display Permit issued to the New York Zoological Society, Boardwalk West 8th Street, Brooklyn, New York 11224, on May 9, 1975, as modified on December 31, 1975 (40 F.R. 60104), is further modified in the following manner:

One (1) vice (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) may be taken.

The modification is due to the acquisition, by the New York Zoological Society, of one Atlantic bottlenosed dolphin already in captivity.

This modification is effective on June 21, 1976.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the following offices:

Director, National Marine Fisheries, Department of Commerce, Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: June 1, 1976.

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

[FR Doc.76-17969 Filed 6-18-76;8:45 am]

MARINE MAMMALS

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals.

Metroparks Zoo, Brookside Park, Cleveland, Ohio 44109 to take four (4) California sea lions (*Zalophus californianus*) for public display.

The requested animals will be taken by a professional collector from the California Channel Islands area by means of a hoop net on land or a modified gill net in water. The animals will be transported by boat to the acclimating center and then transported to the Metroparks Zoo by aircraft and truck.

The sea lions are to be quartered in a trapezoid-shaped pool measuring 59 feet by 25 feet by 29 feet by 48 feet with a depth of seven to nine feet and a capacity of 72,000 gallons. A haul out area of 548 square feet will be available to the animals as well as a holding room of 90 square feet which is used while the pool is cleaned.

The sea lions are requested to provide recreational and educational benefits to the 500,000 people that visit the zoo annually. The Metropark Zoo is owned and operated by the Cleveland Metropolitan Park District, a separate political subdivision of the State of Ohio.

The Metroparks Zoo's General Superintendent has 37 years experience working with zoo animals and the staff veterinarian has worked with captive wild animals including marine mammals since 1945.

The arrangement and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors. Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 21, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: June 11, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-17970 Filed 6-18-76;8:45 am]

Office of the Secretary

FOUR CORNERS ECONOMIC DEVELOPMENT REGION

Modification of Boundaries

Pursuant to the provisions of Section 501(a) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181(a)), and having examined pertinent data, I have determined that the Four Corners Economic Development Region, composed of the entire States of Arizona, Colorado, New Mexico, and Utah, meets requirements for enlargement to include the State of Nevada. Accordingly, in response to a request from the Executive Committee of the Four Corners Regional Commission and the Governor of Nevada, I have today, June 12, 1976, modified the

boundaries of the Four Corners Region so that it now includes the entire State of Nevada.

Inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Coordination, Room 2092, Main Commerce Building, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

ELLIOT L. RICHARDSON,
Secretary of Commerce.

[FR Doc.76-17919 Filed 6-18-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

GAS DETECTOR TUBE UNITS

Applications for Certification

In the FEDERAL REGISTER of May 8, 1973 (38 F.R. 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard (parts per million)
1. Hydrogen sulfide (CAS registry No. 007783064).	Sept. 1 to 30, 1976.	100
2. Carbon Monoxide (CAS registry No. 000630080).	Oct. 1 to 31, 1976.	500

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Branch, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Dated: June 14, 1976.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.76-17934 Filed 6-18-76;8:45 am]

Health Services Administration

HEALTH AND NUTRITION DEMONSTRATION PROJECTS

Delegation of Authority

Notice is hereby given that the following delegations have been made under Section 516 of the Public Works and Economic Development Act of 1965 as added by Section 205 of Public Law 94-183, providing for Health and Nutrition Demonstration Projects:

1. Delegation from the Secretary to the Assistant Secretary for Health, with the authority to redelegate, of all authorities vested in the Secretary of Health, Education, and Welfare by Section 516 of the Public Works and Economic Development Act of 1965 with the exception of authority to issue regulations.

2. Delegation from the Assistant Secretary for Health to the Regional Health Administrators, with authority to redelegate, of authority under Section 516 of the Public Works and Economic Development Act of 1965 for grants within their respective regions, other than for grants national or multi-regional in scope.

3. Delegation from the Asssitant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all authorities under Section 516 of the Public Works and Economic Development Act of 1965 except those specifically delegated to the Regional Health Administrators.

The above delegations were effective on June 7, 1976.

Dated: June 11, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-17930 Filed 6-18-76;8:45 am]

Public Health Service

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Organization, Functions, and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1654, as amended) is hereby amended to reflect the establishment of two new research divisions within the National Institute on Alcohol Abuse and Alcoholism (NIAAA) in lieu of the single existing research division.

In Section 13-B, Organization and Functions, the part titled National Institute on Alcohol Abuse and Alcoholism (CE00) is amended by substituting the following statements for the existing statement for the Division of Research (CE47):

DIVISION OF EXTRAMURAL RESEARCH (CE48)

(1) Plans, develops, and supports, through grants and contracts, programs of basic and applied research on the multiple determinants of alcoholism and on the prevention, diagnosis, treatment and rehabilitation of alcoholic persons and alcohol abusers including biological, biochemical, pharmacological, behavioral, physiological, psychological, epidemiological, and sociological research; (2) supports investigations and publishes information concerning uniform methods and technology for making determinations of the presence of alcohol in body tissues, organs, and cells; (3) administers the Institute's research scientists development program; (4) serves as a repository for special research materials including books, reports, and related items; (5) supports and conducts conferences, workshops, and symposia; and develops and stimulates major scientific publications and reports to disseminate research findings and to interpret implications of research data for broad public policy and information purposes; (6) maintains close working relationships with other national and international agencies undertaking studies related to alcoholism and alcohol abuse.

DIVISION OF INTRAMURAL RESEARCH (CE49)

(1) Plans, develops, and conducts program of basic and clinical research on the multiple determinants of alcoholism and on prevention diagnosis, treatment and rehabilitation of alcoholic persons and alcohol abusers including biological, biochemical, neurochemical, pharmacological, behavioral, physiological, genetic, psychological, and clinical research; (2) studies and delineates critical factors in the diagnosis, treatment and rahabilitation of alcoholic individuals and develops clinical and pharmacological techniques to improve treatment outcome; (3) collaborates with other agencies, universities, and scientific organizations in the conduct of basic and clinical research on alcohol and its effects.

Dated: June 11, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-17929 Filed 6-18-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-114]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 17, 1973 to May 18, 1976 (List No. 11-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

COMPASSES, LIFEBOAT

The E. A. Eriksen, Inc., 59 E. St. Marks Place, Valley Stream, New York 11580,

Approval Nos. 160.014/3/0, 160.014/4/0, 160.014/5/0 and 160.014/6/0 expired and were terminated effective April 20, 1976.

MARINE BUOYANT DEVICE

The Western Wood Manufacturing Company, Lake Oswego, Oregon 97034, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/195/0, 160.064/196/0, 160.064/197/0 and 160.064/198/0 were therefore terminated effective May 14, 1976.

The Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, no longer manufactures certain marine buoyant devices and Approval No. 160.064/254/0 was therefore terminated effective May 14, 1976.

The Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, no longer manufactures certain marine buoyant devices for Taperpro USA, 558 Library Street, San Fernando, California 91341 and Approval Nos. 160.064/356/0, 160.064/357/0 160.064/358/0, 160.064/359/0, 160.064/360/0, 160.064/361/0, 160.064/481/0, 160.064/482/0 and 160.064/646/0 were therefore terminated effective April 14, 1976.

The Omega Marketing Inc., P.O. Box 487, Marblehead, Massachusets 01945, no longer manufactures certain marine buoyant devices for Grumman Boats, Marathon, New York 13803 and Approval Nos. 160.064/780/0, 160.064/781/0, 160.064/782/0, 160 064/783/0 and 160.064/784/0 were therefore terminated effective May 14, 1976.

The Zapp Incorporated, P.O. Box 1157, El Cerrito, California 94530, no longer manufactures certain marine buoyant devices and Approval No. 160.064/910/0 was therefore terminated effective May 14, 1976.

SAFETY VALVES (POWER BOILERS)

The Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, Approval Nos. 162.001/193/0, 162.001/195/0, 162.001/196/0, 162.001/197/0 and 162.001/198/0 expired and were terminated effective September 17, 1973.

FLAME ARRESTERS FOR TANK VESSELS

The Staytie Company, 3606–12 Polk Avenue, Houston, Texas 77003, Approval Nos. 162.016/31/1 and 162.016/32/1 expired and were terminated effective September 24, 1974.

CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

The General Fire Extinguishing Corporation, 1685 Shermer Road, Northbrook, Illinois 60062 and 8740 Washington Boulevard, Culver City, California 90231, Approval No. 162.038/4/0 expired and was terminated effective May 11, 1976.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES: ENGINE AIR AND FUEL INDUCTION SYSTEMS; FOR MERCHANT VESSELS AND MOTORBOATS

The Air Cushion Vehicles, Inc., R.D. 5, Box 85, Troy, New York 12180, Approval No. 162.042/6/0 expired and was terminated effective May 18, 1976.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Owens-Corning Fiberglas Corporation, Toledo, Ohio 43659, no longer manufactures certain incombustible materials and Approval No. 164.009/136/1 was therefore terminated effective May 4, 1976.

Dated: June 14, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-17690 Filed 6-18-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DARIEN GAP HIGHWAY

Final Environmental Impact Statement

Notice is hereby given that a Final Environmental Impact Statement (EIS) for U.S. financial participation in the funding of the Darien Gap Highway, a 250-mile (400 km) project between Tocumen, Panama, and Rio Leon, Colombia, has been filed with the Council on Environmental Quality. One hundred fifty miles are under construction or reconstruction in Panama. Copies of the final EIS are being mailed to those who commented on the draft EIS and are available to other interested parties upon request.

Requests may be made to: Mr. W. S. Mendenhall, Jr., Director, Office of Highway Operations, Federal Highway Administration, 400—7th Street SW., Washington, D.C. 20590.

Issued on: June 14, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-18017 Filed 6-18-76;8:45]

CIVIL AERONAUTICS BOARD

[Docket 29403; Order 76-6-115]

AMERICAN AIRLINES, INC. AND EASTERN AIR LINES, INC.

Fare Increase; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of June, 1976.

By tariff revisions [1] marked to become effective June 18, 1976, American Airlines, Inc. (American) and Eastern Air Lines, Inc. (Eastern) propose to increase fares in the New York-San Juan market by three percent. By Order 76-4-121, the Board permitted the carriers to increase fares in all mainland-Puerto Rico/Virgin Islands (PR/VI) markets other than New York-San Juan by 3.5 percent, effective April 25, 1976. In that order, the Board determined that the carriers' combined return on investment (ROI), after ratemaking adjustments, was 9.68 percent in the New York-San Juan market for calendar year 1975. Based on that ROI, Eastern has determined that a three-percent increase would produce a rate of return of 11.89 percent in the New York-San Juan market, and is therefore fully justified. Subsequent to the date of filing their initial justifications, both American and Eastern filed supplemental justifications, updating the base year from calendar 1975 to the year ended March 31, 1976.

The Commonwealth of Puerto Rico has filed a complaint, alleging that the mainland-Puerto Rico markets—and particularly the New York-San Juan market—have sustained multiple fare increases in recent months which are not conducive to providing healthy air transportation services between the U.S. and Puerto Rico. It contends that, while the carriers could mathematically justify another three-percent fare increase, the Board is charged with other responsibilities in ratemaking beyond merely assuring that carriers do not exceed the 12 percent ROI standard, such as "the effect of such rates on the movement of traffic," and "the need in the public interest" for efficient air transportation "at the lowest cost."

In answer to the complaint, Eastern alleges that, for several years now, necessary fare adjustments have lagged far behind the spiraling cost escalation that has been prevalent in this market, and that the only way to overcome regulatory lag is to permit increases of the type now proposed which are justified on the basis of the latest available industry result.

Upon consideration of the tariff proposals, the complaint and answer thereto, and all other relevant matters, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposals pending investigation.

The Board has combined the individual operating results of American and Eastern for the year ended March 31, 1976, and has applied the same ratemaking adjustments as have been made in reviewing previous fare increase requests for this ratemaking entity. (See Orders 75-11-116, 76-2-113, and 76-4-121).[2] As indicated in Appendix B,[3] the increase requested by American and Eastern produces a combined adjusted ROI for the New York-San Juan subentity of 13.05 percent, and an ROI for the entire ratemaking entity of 12.69 percent. Since both the ROI in the subentity in which

[1] Revisions to American Airlines, Inc. Tariff C.A.B. No. 244; and Eastern Air Lines, Inc., Tariff C.A.B. No. 417.

[2] Aircraft utilization has improved to the point that, unlike prior evaluations, no adjustment is now necessary.

[3] Appendix A and B filed as part of original document.

an increase is sought, as well as that in the entire ratemaking entity, exceed 12 percent we are unable to conclude that the requested increase is justified.

The Board is also unable to accept Eastern's estimate of the level of fuel prices used in projecting the overall inflation factor. American computes the fuel inflation factor by taking its experience for the year ended March 31, 1976 and relating that level to its experience for the month of April, 1976. Since fuel costs have been declining, April cost is less than the 12-month average, and the factor is less than one. We are in agreement with this methodology. Eastern, on the other hand, projects an increase of two cents per gallon over the March price, even though the actual April price was less than March. In fact, fuel prices have been declining every month since January 1976 for both carriers. Consistent with the methodology used by American, and concurred in by the Board, Eastern's fuel cost, for purposes of determining the inflation factor, has been recomputed by obtaining its ratio of April fuel cost to the average for the base year, March 1976.

We note that, overall, traffic is rebounding strongly from the slump which was experienced in 1974 and the early part of 1975. Should this trend continue, it seems entirely likely that the spread between actual and adjusted ROI will narrow in the months to come, assuming that Eastern keeps its capacity in check. American is doing well throughout the overall ratemaking entity, both in terms of load factor and ROI. Eastern's load factors have been substandard, particularly in the New York-San Juan market, but they have now started to improve. Eastern's load factor for the year ended March 1976 was up 1.4 percentage points over calendar 1975 in the New York-San Juan market, and 2.4 percentage points in the "all other" market category.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix C attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix C hereto are suspended and their use deferred to and including September 15, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 29299 and 29355 be and hereby are dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order will be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Eastern Air Lines, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18001 Filed 6-18-76;8:45 am]

[Dockets 27573 et al; Order 76-6-117]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Currency Matters; Order

Adopted by Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of June, 1976. Docket 27573, Agreement C.A.B. 25873, Dockets 27573, 27592, Agreement C.A.B. 25882, R-1 through R-5, Dockets 27592, 27813, Agreement C.A.B. 25883, R-1 through R-6, Docket 27813, Agreement C.A.B. 25871, R-1 through R-6.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted either at the May 1976 Wembley Composite Currency Conference or by mail vote.

The agreements would increase currency-related surcharges on passenger fares and cargo rates from Burundi, India and Nepal to various world areas, impose a 10 percent currency-related surcharge on most passenger fares from Yugoslavia to several world areas, and adjust surcharges on passenger fares for travel from various other countries within TC2 (Europe/Middle East/Africa) and over the South Atlantic. Insofar as the agreements have direct application in air transportation as defined by the Act, the surcharge on fares and rates from Burundi to U.S. points in TC1 (Western Hemisphere) and TC3 (Asia/Australia/Pacific Islands) would increase from 11.1 to 26.3 percent; the surcharge on passenger fares from India and Nepal to U.S. points in TC3 would increase from 20 to 25 percent and from 15 to 20 percent to U.S. points in TC1; and the surcharge on cargo rates from the above two countries would likewise increase from 15 to 20 percent for transportation sold to U.S. points in TC1 over the North/Central Pacific. Finally, there would be a 10 percent surcharge on most passenger fares sold for travel from Yugoslavia to U.S. points in TC1 over the Mid Atlantic. The agreements will bring local currency fares and rates more into line

with the current market values of the affected currencies, and will be approved herein.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB	IATA resolution
25871:	
R-1	300(Mail 31)022e.
R-2	JT23/123(Mail 31)022f.
R-3	JT31(Mail 31)022g.
R-4	JT123(Mail 31)022h.
R-5	JT123(Mail 31)022i.
R-6	JT123(Mail 31)022n.
25873	JT31(Mail 32)022p.

Agreement CAB	IATA No.	Title	Application
25882:			
R-1	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportotion (expedited) (amending).	2/3; 1/2/3
R-2	022j	JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (expedited) (amending).	1/2
R-3	022k	JT12 (Mid-Atlantic) Special Rules for Sales of Cargo Air Transportation (expedited) (amending).	1/2
R-4	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (expedited) (amending).	1/2
R-5	022m	TC2 Special Rules for Sales of Cargo Air Transportation (expedited) (amending).	2
25883:			
R-1	022d	TC2 (Except Within Europe) Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	2
R-2	022f	JT23/JT123 Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	2/3; 1/2/3
R-3	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	1/2; 1/2/3
R-4	022i	JT12 and JT123 (North Atlantic) Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	1/2; 1/2/3
R-5	022n	JT12 and JT123 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	1/2; 1/2/3
R-6	022q	TC2 (Within Europe) Special Rules for Sales of Passenger Air Transportation (expedited) (amending).	2

Accordingly, it is ordered, That:

Agreements C.A.B. 25871, R-1 through R-6; C.A.B. 25873; C.A.B. 25882, R-1 through R-5; and C.A.B. 25883, R-1 through R-6, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18002 Filed 6-18-76;8:45 am]

[Docket 28004]

PACIFIC OVERSEAS FARES INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is assigned for hearing on August 12, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether (a) the fares between the United States mainland and Hawaii, on the one hand, and Pago Pago, American Samoa, on the other, and (b) youth, student, and family fares between the United States mainland and Hawaii, on the one hand, and Pago Pago, American Samoa, Guam, and the Pacific Trust Territories, on the other; and rules, regulations, or practices affecting such fares, and revisions and reissues thereof, are unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

(2) If found to be unlawful, the lawful maximum or minimum or maximum and minimum fares, and rules, regulations, and practices affecting such fares and provisions which should be determined and prescribed.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered in the proceeding, the documents filed by the parties, and the Judge's report of prehearing conference served April 5, 1976, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before July 22, 1976, a statement setting forth the issues of fact or law raised by the proceeding which he desires to controvert.

Dated at Washington, D.C., June 16, 1976.

RALPH L. WISER,
Administrative Law Judge.

[FR Doc.76-18003 Filed 6-18-76;8:45 am]

[Order 76-6-30; Docket 28848]

WICHITA

Improved Authority

Correction

In FR Doc. 76-16864, appearing at page 23459, in the issue for Thursday, June 10, 1976, in the second column paragraph 2, the line "City of Wichita, and other civic groups", should be inserted between the third and fourth lines.

COMMODITY FUTURES TRADING COMMISSION

INSURANCE PROGRAM AGAINST LOSSES BY REASON OF INSOLVENCY OR FINANCIAL FAILURE OF FUTURES COMMISSION MERCHANT

Notice of Public Hearing

Commencing at 9:30 a.m. on July 21, 1976, the Commodity Futures Trading Commission ("Commission") will hold a public hearing to receive oral and written testimony from interested persons concerning the need for and the form and nature of a commodity futures account insurance program. Interested persons may participate in this hearing, which will be held at 2033 K Street, N.W., Room 531, Washington, D.C.

Section 417 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act")[1] requires the Commission to submit to Congress a report:

respecting the need for legislation insuring owners of commodity futures accounts and persons handling or clearing trades in such accounts against loss by reason of the insolvency or financial failure of a futures commission merchant carrying such accounts.[2]

The topic of a commodity accounts insurance program for customers' funds was probed at the hearings and in the Congressional reports on small business problems involved in the marketing of grain and other commodities [3] and on the legislation which subsequently became the CFTC Act.[4] At those hearings, persons questioned the need for such a program, especially in light of (1) the requirement that futures commission mer-

[1] Pub. L. No. 93-463, § 417 (October 23, 1974), see note following 7 U.S.C. 4a (Supp. IV, 1974).

[2] Section 417 requires that the report be submitted to Congress "no later than June 30, 1976." In this connection, the Commission will submit an interim report to Congress by June 30, 1976, and has requested an extension of time within which to prepare a final report in order to discuss completely and make recommendations upon the variety of issues presented by this subject.

[3] Hearings before the Subcommittee on Special Small Business Problems of the House of Representatives' Permanent Select Committee on Small Business, 93d Cong., 1st Sess. (July, September and October 1974); Report of the Subcommittee on Special Small Business Problems of the Permanent Select Committee on Small Business, H.R. Rep. No. 93-963, 93d Cong., 2d Sess. (1974).

[4] Hearings before the Senate Committee on Agriculture and Forestry on H.R. 13113, 93d Cong., 2d Sess., pt. 1 and 2 (May 13, 14, 15, 16, 17, 20, 21 and 22, 1974) (hereinafter Senate Hearings). Report to accompany H.R. 13113 of the Senate Committee on Agriculture and Forestry, S. Rep. No. 93-1131, 93d Cong., 2d Sess. (August 1974).

The House of Representatives proposed a Federal Commodity Account Insurance Corportion in H.R. 11955, a predecessor bill to H.R. 13113 which was subsequently enacted as the CFTC Act. See, Report of the House Committee on Agriculture on H.R. 13113, H.R. Rep. No. 93-975, 93d Cong., 2d Sess. 28, 56, 79-80 (1974).

chants segregate customers' funds,[5] (2) daily settlements, (3) the reportedly small losses suffered by commodity customers in the event of the financial failure of a futures commission merchant, and (4) the improved financial standards required by the exchanges and the exchanges' clearing associations.[6]

On the other hand, other witnesses expressed their concern about the possibility of customers' losses due to theft, embezzlement or insolvency of a futures commission merchant. The House's Special Small Business Problems Subcommittee commented that this concern over losses is magnified:

> because of the closely intertwined nature of the industry as if one firm goes, it could easily have a domino effect and topple other firms which were doing business with it.[7]

In remarks on the bill which subsequently became the CFTC Act, Senator Robert P. Dole commented that a commodity account insurance program would give additional public confidence in the commodity futures markets. He stated that:

> The bankruptcy or insolvency of a futures commission merchant, while a very infrequent occurrence, can jeopardize large sums held for the customers of that broker. This insurance would minimize risks of loss to customers and thereby encourage trading.[8]

Furthermore, the need for insurance may be magnified for customers of futures commission merchants who are not members of contract markets that have effective compliance procedures, since the added check of those compliance procedures is absent.

The Commission is seeking comment on the need and nature of insurance legislation.[9] Suggested alternative forms of insurance include an insurance corporation similar to the Securities Investor Protection Corporation ("SIPC"), integration with the SIPC corporate structure by means of a separate division for commodities customers, fidelity bonding, private insurance and exchange established trust funds. The Commission is particularly seeking comment on the feasibility and practicality of any, or a combination of, these suggestions as well as other alternatives.

In addition, the Commission seeks comment on other issues related to the need for insurance: (1) the definition of the "customer" to be protected, for example, whether "customers" should include futures commission merchants' officers, directors or employees; commodity pools or each participant in the pool; (1) the persons required to participate in the insurance program;[10] (3) the limits, if any, of liability for accounts protected by an insurance program; and (4) the methods to establish the program's initial and ongoing financing, for example, whether by transaction fees, assessments on gross revenues from commodity transactions or otherwise.

Persons interested in participating in the Commission's hearing should contact Ms. Jane Stuckey, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-6126, before July 5, 1976. In addition, persons wishing to appear at the Commission's hearings should forward an outline of their proposed testimony to Ms. Jane Stuckey by July 12, 1976. Oral presentations will be limited to 15 minutes. The Commission or its staff may question commentators at the conclusion of their prepared testimony.

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

For the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-17918 Filed 6-18-76;8:45 am]

[5] See, section 4d(2) of the Commodity Exchange Act, as amended, 7 U.S.C. § 6d(2), (Supp. IV, 1974), and section 1.20 of the Commission's regulations, 17 CFR § 1.20.

[6] Testimony and Statement of Carlos Bradley, President, Board of Trade of Kansas City, Missouri, Inc., and Statement of John W. Claggett, President, Association of Commodity Exchange Firms, Inc. at Senate Hearings 289, 314-315, and 542 (1974).

[7] Report of the Subcommittee on Special Small Business Problems of the Permanent Select Committee on Small Business, House Report No. 93-963, 94th Cong., 2d Sess. 61 (1974).

[8] Statement of Senator Robert P. Dole, Senate Hearings 226 (1974).

[9] Although section 417 of the CFTC Act is addressed to the financial failure of a futures commission merchant, the Commission believes that consideration should also be given to whether and how insurance protection could be made available with respect to funds received from customers and handled by commodity trading advisors (including persons presently offering commodity options; see, 40 F.R. 49360 (October 22, 1975), commodity pool operators and persons dealing in leverage transactions subject to regulation under section 217 of the CFTC Act, 7 U.S.C. § 15a (Supp. IV, 1974).

[10] An effective insurance program would presumably require participation by all member and nonmember futures commission merchants, all of whom must meet some minimum financial standards under the Commodity Exchange Act. These standards could be increased if an insurance program were not implemented, or in conjunction with such program. The Commission notes that it is considering establishing appropriate financial standards for commodity trading advisors, commodity pool operators, and leverage transaction dealers.

DELAWARE RIVER BASIN COMMISSION

FLOOD PLAIN REGULATIONS; DELAWARE RIVER AND MAJOR TRIBUTARIES

Availability of Environmental Assessment

An environmental assessment has been prepared of flood plain regulations proposed to be applied by the Delaware River Basin Commission on the Delaware River and its major tributaries in Pennsylvania, New York, Delaware and New Jersey. The flood plain regulations were released for public review and comment on June 10, 1976, and for hearing on July 7, 1976.

The assessment, dated June 1976, was prepared by the Commission. It reviews the potential environmental impacts of the proposed regulations, both beneficial and adverse, and indicates conclusions regarding alternatives considered. It finds generally that the natural resources in the basin are not likely to be affected significantly, but that the cultural resources (population, man-made structures, economic base, etc.) will be affected to the extent that those water resources projects reviewed by the Commission under the Delaware River Basin Compact include property susceptible to flood damages. The assessment concludes that substantial benefits could result from application of the proposed regulations to those categories of projects subject to review by the Commission, and that adverse impacts appear to be negligible. It finds, however, that a relatively small proportion of future flood plain development will be subject to Commission review and approval, and recommends, therefore, that a negative declaration is appropriate for the proposed action.

Notice is hereby given of the Executive Director's intent to issue a Negative Declaration in accordance with the Commission's Rules of Practice and Procedure, Article 4, Section 2-4.5. The Negative Declaration will take effect on July 1, 1976, unless prior to that date interested parties submit written evidence sufficient to demonstrate why an environmental impact statement should be prepared for the proposed regulations.

Copies of the environmental assessment are available upon request.

Dated: June 14, 1976.

JAMES F. WRIGHT,
Executive Director.

[FR Doc.76-17933 Filed 6-18-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 561-8]

AIR POLLUTION: PREVENTION OF SIGNIFICANT DETERIORATION, STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS

Delegation of Authority to State of Georgia

On December 5, 1974 (39 FR 42510), and June 12, 1975 (40 FR 25004) and September 10, 1975 (40 FR 42011), pursuant to Section 110 of the Clean Air Act, as amended, the Administrator promulgated regulations for the prevention of significant air quality deterioration (PSD). On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), and August 6, 1974 (39 FR 33152), and September 23, 1975 (40 FR 43850), and January 15, 1976 (41 FR 2231, 2332), and January 26, 1976 (41 FR 3826), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance for five categories, seven categories, one category, five categories, four categories, and one category of new stationary sources (NSPS), respectively. On

April 6, 1973 (38 FR 8820) and May 3, 1974 (30 FR 15396), and October 14, 1975 (40 FR 48291), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Section 301 in conjunction with Sections 101 and 110 authorizes the Administrator to delegate his authority to implement and enforce PSD to any State which has submitted adequate implementation and enforcement procedures. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, under § 111(c)(2) and 112(d)(2), the Administrator is not prohibited from enforcing the standards.

During discussions held in the spring of 1975 with regard to the fiscal year 1976 program plan, EPA furnished to the State of Georgia information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for PSD, NSPS, and NESHAPS. On December 16, 1975, J. Leonard Ledbetter, Director, Environmental Protection Division, Georgia Department of Natural Resources submitted to the EPA Regional Office a request for delegation of authority. On April 5, 1976, Mr. Ledbetter submitted information on his agency's procedures and resources for implementation and enforcement of PSD, NSPS, and NESHAPS. Submitted at the time of the initial request were copies of Georgia regulations which incorporate by reference the Federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61, with certain exceptions. Included in the second submittal were copies of State statutes which provide the State with the requisite authority to enforce the Federally promulgated PSD, NSPS, and NESHAPS. After a thorough review of the request and information submitted, the Regional Administrator has determined that for the source categories set forth in the following official letters to the Director of the Georgia Environmental Protection Division, delegation is appropriate subject to the conditions set forth in detail in these letters:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

1421 PEACHTREE ST. N.E.,
ATLANTA, GEORGIA 30309

MAY 3, 1976.

Mr. J. LEONARD LEDBETTER,
Director, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, Atlanta, Ga. 30334.

DEAR MR. LEDBETTER: This is in response to your letters of December 16, 1975, and April 5, 1976, requesting responsibility for implementation and enforcement of the Prevention of Significant Deterioration (PSD) program.

We have reviewed the pertinent laws of the State of Georgia and the rules and regulations, and have determined that they provide an adequate and effective procedure for the implementation and enforcement of the PSD program by the State of Georgia. Therefore, pursuant to 39 Fed. Reg. 42510 (December 5, 1974), 40 Fed. Reg. 25004 (June 12, 1975), and 40 Fed. Reg. 42012 (September 10, 1975), soon to be published as, and hereinafter referred to as, 40 C.F.R. § 52.21, we hereby delegate our authority for implementation and enforcement of the federal PSD program to the State of Georgia as follows:

A. Authority for all sources located in the State of Georgia subject to review for the prevention of significant air quality deterioration promulgated in 40 C.F.R. § 52.21, as of the date of this letter. The categories of new sources covered by the delegation are: fossile-fuel steam electric plants of more than 1000 million BTU per hour heat input; coal cleaning plants; kraft pulp mills; portland cement plants; primary zinc smelters; iron and steel mills; primary aluminum ore reduction plants; primary copper smelters; municipal incinerators capable of charging more than 250 tons of refuse per 24-hour day; sulfuric acid plants; petroleum refineries; lime plants; phosphate rock processing plants; by-product coke oven batteries; sulfur recovery plants; carbon black plants (furnace process); primary lead smelters; fuel conversion plants; and ferroalloy production facilities.

B. This delegation is based upon the following conditions:

1. Quarterly reports (or other reports as required by the Regional Administrator) will be submitted to EPA by the State of Georgia as specified in 40 C.F.R. § 51.7.

2. Enforcement of PSD in the State of Georgia will be the primary responsibility of the Environmental Protection Division. 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 of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Georgia subject to PSD requirements.

3. Acceptance of this delegation of presently promulgated PSD regulations does not commit the State of Georgia to request or accept enforcement authority of future standards and requirements. A new request for enforcement authority will be required for any standards not included in Paragraph A above.

4. Upon approval of the Regional Administrator of Region IV, the Director of the Environmental Protection Division may subdelegate his authority to implement and enforce PSD to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

5. This enforcement authority to the State of Georgia does not include the authority to implement and enforce PSD for sources owned or operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 C.F.R. § 52.21. Further, this condition is based upon the existing legal interpretation of EPA, and should the Federal interpretation be modified or invalidated, this condition shall likewise be modified or invalidated.

6. If at any time there is a conflict between a State regulation and a Federal regulation (40 C.F.R. § 52.21), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce a Federal regulation that is more stringent than the applicable State regulation, the pertinent portion of the delegation may be revoked.

7. If the Regional Administrator determines that the State procedure for enforcing or implementing PSD 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 Environmental Protection Division.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

(a) Each agency is informed of the current compliance status of subject sources in the State of Georgia;

(b) Prior EPA concurrence is obtained on any matter involving interpretation of 40 C.F.R. § 52.21 (including unique questions of applicability of the standards);

(c) Prior EPA concurrence is obtained on any PSD review affecting a source owned or operated by the United States, which is located in the State; and

(d) Enforcement actions (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this delegation, shall be completed by EPA.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to PSD by sources located in the State of Georgia should be submitted to the Environmental Protection Division, 270 Washington Street, Atlanta, Georgia 30334. Any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to the State agency.

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 of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. LITTLE,
Deputy Regional Administrator.

MAY 3, 1976.

Mr. J. LEONARD LEDBETTER,
Director, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street SW., Atlanta, Ga. 30334.

DEAR MR. LEDBETTER: This is in response to your letters of December 16, 1975, and April 5, 1976, requesting responsibility for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

We have reviewed the pertinent laws of the State of Georgia and the rules and regulations and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the State of Georgia. Therefore, pursuant to Section 111 and Section 112 of the Clean Air Act, as amended, P.L. 91-604, we hereby delegate our authority for implementation and enforcement of the NSPS and NESHAPS to the State of Georgia as follows:

A. Authority for all sources located in the State of Georgia subject to the standards of performance for new stationary sources promulgated in 40 C.F.R. Part 60 and amendments thereto as published in the FEDERAL REGISTER as of the date of this letter. The categories of new sources covered by this authority are: fossil fuel-fired steam generators; incinerators; portland cement plants;

nitric acid plnts; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; secondary lead smelters; phosphate fertilizer plants; primary aluminum plants; coal preparation plants; electric arc furnaces; and primary copper, zinc, and lead smelters.

B. Authority for all sources located in the State of Georgia subject to the national emission standards for hazardous air pollutants promulgated in 40 C.F.R. Part 61 as of the date of this letter. The 3 hazardous air pollutants covered by this authority are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Existing quarterly reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 C.F.R. Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name, address, type and size of each facility subject to the standards, the compliance status of each facility with accompanying explanations of noncompliance where applicable, notice of enforcement actions brought against facilities subject to 40 C.F.R. Parts 60 and 61, surveillance actions undertaken for each facility, and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of Georgia will be the primary responsibility of the Environmental Protection Division. 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 of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Georgia subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of Georgia to request or accept enforcement authority of future standards and requirements. A new request for enforcement authority will be required for any standards not included in Paragraphs A ad B above.

4. Upon approval of the Regional Administrator of Region IV, the Director of the Environmental Protection Division may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

5. This enforcement authority to the State of Georgia does not include the authority to implement and enforce NSPS (40 C.F.R. Part 60) and NESHAPS (40 C.F.R. Part 61) for sources owned or operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 C.F.R. Parts 60 and 61. Further, this condition is based upon the existing legal interpretation of EPA and should the Federal interpretation be modified or invalidated this condition shall likewise be modified or invalidated.

6. The State of Georgia will at no time grant a waiver of compliance with NESHAPS (40 C.F.R. Part 61). The State of Georgia will at no time grant a variance or other temporary or permanent exemption from compliance with NSPS (40 C.F.R. Part 60) and NESHAPS (40 C.F.R. Part 61) regulations. Should the State grant such a variance or other exemption, EPA will consider the source receiving the variance or exemption to be in violation of the applicable federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the State shall also constitute ground for revocation of delegation by EPA.

7. If at any time there is a conflict between a State regulation and a Federal regulation (40 C.F.R. Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce a Federal regulation that is more stringent than the applicable State regulation, the pertinent portion of the delegation may be revoked.

8. Performance tests shall be conducted in accordance with the procedures set forth in 40 C.F.R. Parts 60 and 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 C.F.R. §§ 60.8(b) (2) and (3), the State may approve minor changes in methodology provided these changes are reported to EPA. The Administrator also retains the right to change an opacity standard as specified in 40 C.F.R. § 60.11(e).

9. Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 C.F.R. § 60.13(h)(1), may be approved by the State with the prior concurrence of the EPA Administrator.

10. If the Regional Administrator determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Environmental Protection Division.

11. Information shall be made available to the public in accordance with 40 C.F.R. §§ 60.9(b) and 61.15(b). Any records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of these Sections shall be made available to the designated representative of EPA upon request.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

a. Each agency is informed of the current compliance status of subject sources in the State of Georgia;

b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 C.F.R. Parts 60 and 61 (including unique questions of applicability of the standards); and

c. Enforcement actions (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this delegation, shall be completed by EPA.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the State of Georgia should be submitted to the Environmental Protection Division, 270 Washington Street, Atlanta, Georgia 30334. Any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to the State agency.

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 of objections within 10 days of the date of receipt of this letter, the Environmental Protection Division will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. LITTLE,
Deputy Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Director of the Georgia Environmental Protection Division on May 3, 1976, that authority to implement and enforce Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS) was delegated to the State of Georgia.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV Office, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Effective immediately, all reports required pursuant to the delegated Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS) should not be submitted to the EPA Region IV Office, but instead should be submitted to the State agency at the following address:

Georgia Department of Natural Resources, Environmental Protection Division, 278 Washington Street, S.W., Atlanta, Georgia 30334.

Applications for PSD, NSPS, and NESHAPS review in process at the time of this delegation shall be processed through to completion by the EPA Region IV Office.

This notice is issued under the authority of Sections 110, 111, 112, and 301 of the Clean Air Act, as amended, 42 U.S.C. 1857, 1857c–5, 6, 7 and g.

Dated: June 11, 1976.

JACK E. RAVAN,
Regional Administrator.

[FR Doc.76–17913 Filed 6–18–76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

JUNE 16, 1976.

Pursuant to Section 10(a) of Public Law 92–463, entitled the Federal Advisory Committee Act, notice in hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, July 12, 13, 14, 1976. The meeting will commence at 9 a.m. on July 12, at 9 a.m. on July 13, and at 9 a.m. on July 14 at the Federal Home Loan Bank Building, 320 First Street, N.W., Washington, D.C. in the MIC Room.

MONDAY, JULY 12

9:30 a.m. Scheduled Items to Specified Assets; FASB-12 Market Value Accounting Up-Date; CD's of S&L's and Savings Banks as Legal Investments, and Liquidity; Up-Date on Branch Approval Procedures; Up-Date on Condominium Construction Lending and Conversions; PMI Deposits in S&L's.

2 p.m. Rewrite Scheduled Item Regs; Expand 90%–95% Loan Regs; Sale of Loans and Participations with Recourse or Substitution; Construction Loan Modifications; Review of Appraisal Requirements; Planning for the Impact of Inflation on the Savings and Loan Industry—Part 8: a. Regulation Simplification, b. Interface FHLB System with Other Federal Agencies; GNMA Guarantee of Conventional Loans; Servicers Retention of GNMA Custodial Accounts with FSLIC Insured S&L's; Need for Land Acquisition and Development Loans to Sustain Housing.

TUESDAY, JULY 13

9 a.m. Continued Discussion of Monday afternoon topics.

2 p.m. General Discussion.

WEDNESDAY, JULY 14

General Discussion.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

GARTH MARSTON,
Acting Chairman.

[FR Doc.76-17975 Filed 6-18-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARINGS

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Oklahoma City, Oklahoma. The hearings will be held on July 8 and 9, 1976, in the Venetian Room of the Skirvin Plaza Hotel at Number One Park Avenue.

The hearings will commence each day at 8:30 a.m. and end at 1:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon agribusiness, education, manufacturing, banking, energy, tax administration, communication, and State and local government.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, N.W., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-17991 Filed 6-18-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Settlement Agreement

JUNE 8, 1976.

Take notice that on June 7, 1976, Cambridge Electric Light Company (Cambridge) filed a motion submitting to the Commission for its approval a Stipulation and Agreement providing for settlement of this rate proceeding. The Stipulation and Agreement has been executed by Cambridge and the Municipal Light Board of the Town of Belmont, Massachusetts. All parties support the proposed settlement. If the Stipulation and Agreement is approved by the Commission, it would resolve all issues in this proceeding.

Any person desiring to be heard regarding said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 30, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the aforesaid agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17997 Filed 6-18-76;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT & POWER CO.

Extension of Time

JUNE 14, 1976.

On May 28, 1976, the Connecticut Municipal Group filed a motion for extension of time to answer an appeal to the Commission of a ruling of the Presiding Administrative Law Judge in this proceeding. The motion states that a settlement proposal is now pending before the Presiding Judge, which if approved by the Judge and the Commission, could moot the need for filing an answer to the appeal.

Upon consideration, notice is hereby given that the date for filing of answers to the appeal referred to above is extended to and including ten days after final Commission action on the settlement proposal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17995 Filed 6-18-76;8:45 am]

[Docket No. RP71-77 (Remand)]

CONSOLIDATED GAS SUPPLY CORP.

Extension of Time

JUNE 9, 1976.

On May 25, 1976, Consolidated Gas Supply Corporation filed a motion to extend the time for the filing of briefs opposing exceptions to the Initial Decision in the above-designated proceeding issued April 12, 1976. The motion states that none of the principal parties to this proceeding object to the requested extension of time.

Upon consideration, notice is hereby given that the time for the filing of briefs opposing exceptions in this proceeding is extended from June 2, 1976 to June 9, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17992 Filed 6-18-76;8:45 am]

[Docket No. RL76-125]

LOUISIANA CRUDE OIL & GAS COMPANY, INC.

Petition for Special Relief

JUNE 3, 1976.

Take notice that on May 20, 1976, Louisiana Crude Oil & Gas Company, Inc. (Petitioner), 922 Richards Building, New Orleans, Louisiana 70112, filed a petition for special relief in Docket No. RI76-125, pursuant to Order No. 481. Petitioner seeks a price of 84.91¢ per Mcf, plus full reimbursement by the purchaser to the seller of the 7¢ State of Louisiana Gas Severance Tax for the sale of gas at Texas Gas Transmission Corp.'s meter station No. 21491 in the Calkley Field for the sale of gas to Texas Gas Transmission Corporation. Petitioner states that it is unable to continue deliveries on a viable economic basis unless the relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17993 Filed 6-18-76;8:45 am]

[Project No. 2494]

PUGET SOUND POWER & LIGHT CO.

Further Extension of Time

JUNE 14, 1976.

On June 7, 1976, Puget Sound Power and Light Company filed a motion for extension of time to file briefs opposing exceptions to the Initial Decision of March 3, 1976 in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing briefs opposing exceptions is extended to and including July 14, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17996 Filed 6-18-76;8:45 am]

[Docket No. RP75-51]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Certification of Stipulation and Agreement and Related Record to the Commission

JUNE 14, 1976.

Take notice that on May 26, 1976, Administrative Law Judge Curtis L. Wagner, Jr., certified to the Commission in Docket No. RP75-51 a stipulation and

agreement of the parties along with related portions of the record. This stipulation and agreement is in response to the February 6, 1976, order of the United States Court of Appeals for the District of Columbia Circuit in Transcontinental Gas Pipe Line Corporation, et al. v. FPC, No. 74–2036, et al., remanding to the Commission Docket No. RP72–99 for the limited issue of Transcontinental Gas Pipe Line Corporation's (Transco) gas supply.

The stipulation and agreement states that Transco "has had, and continues to have, a necessity to curtail service to its customers." It relies principally upon specific deliverability evidence in Docket No. RP75–51 (Exhibit 74; Tr. 2582, 2583, 2621).

Any person desiring to be heard should on or before June 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, comments in accordance with the requirements of the Commission's Rules of Practice and Procedure. In light of the exigency surrounding the remand of Docket No. RP72–99 by the Court of Appeals, we find that it is appropriate and in the public interest to shorten the fifteen day notice period to five days.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–17994 Filed 6–18–76;8:45 am]

[Docket Nos. G–5720, etc.]

CALIFORNIA CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 11, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [2]	Pressure base
G–5720 ..... D 5–28–76	The California Co., a division of Chevron Oil Co. (operator), 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., Hico-Knowles, N. Choudrant and Tremont Fields, Lincoln and Quachita Parishes, La.	Nonproductive	
CI64–679 ..... D 6–1–76	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Nonproductive	
CI66–698 ..... D 5–28–76	The California Co., a division of Chevron Oil Co. (operator) et al., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., North Carlton Field, Quachita and Union Parishes, La.	Nonproductive	
CI68–976 ..... D 5–27–76	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Depleted	
CI72–178 ..... 5–27–76 [1]	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	[3] 25.6653, 32.1165	14.65
CI74–184 ..... C 4–30–76	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Roydon Field, Roger Mills County, Okla.	[3] 55.6603 (Oklahoma) 55.9109 (Texas).	14.65
CI75–686 ..... C 6–1–76	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Potash Field, Eddy County, N. Mex.	[4] 80.0	14.65
CI76–144 ..... C 5–27–76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Transwestern Pipeline Co., Potash Eddy Field, Eddy County, N. Mex.	[4] 56.4233	14.65
CI76–555 ..... A 5–24–76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Grand Isle, block 16 field, offshore Louisiana.	[4] $1.63	15.025
CI76–556 ..... A 5–21–76	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West San Ramon Field, Hidalgo County, Tex.	[7] 56.30879	14.65
CI76–558 ..... A 5–21–76	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Alaska LNG Co., Lewis River Field, Cook Inlet Area, Alaska.	49.0	14.65
CI76–559 ..... A 5–24–76	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Corp., block 35, block 46 field, Vermilion Area, offshore Louisiana.	[4] 53.0	15.025
CI76–560 ..... B 5–24–76	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Texas Gas Transmission Corp., Downsville Field, Union Parish, La.	Expiration of contract	
CI76–561 ..... B 5–24–76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Texas Eastern Transmission Corp., John C. Robbins Field, Harrison and Gregg Counties, Tex.	Wells plugged and leases surrendered	
CI76–562 ..... B 5–24–76	....do.....	Orange Grove Gas Gathering Co., Orange Grove Area, Jim Wells County, Tex.	Production ceased	
CI76–563 ..... B 5–24–76	Stuarco Oil Co., Inc., 2117 1st National Bank Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Red Lion Field, Sedgwick County, Colo.	Properties sold to E. Lyle Johnson	
CI76–564 ..... A 5–24–76	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., W. Wilburton Field, Pittsburg County, Okla.	[5] $0.55665	14.65
CI76–565 ..... 5–26–76 [8]	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Elk City unit, Beckham and Washita Counties, Okla.	[4] 26.5287	14.65
CI75–566 ..... B 5–20–76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., East Taft Field, San Jacinto County, Tex.	Depleted	
CI76–567 ..... (CI61–1286) F 5–25–76	Texas Oil & Gas Corp. (successor to Mobil Oil Corp.), 2700 Fidelity Union Tower, Dallas Tex., 72501.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla.	[4] 25.18	14.65
CI76–568 ..... B 5–24–76	Sklar & Phillips Oil Co., Johnson Bldg., Shreveport. La. 71101.	C. B. Gas Gathering, Inc., South Bayou Mallet Field, Acadia Parish, La.	Depleted	
CI76–569 ..... 5–26–76 [1]	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	[10] 56.3087	14.65
CI76–570 ..... B 5–24–76	Wm. T. Burton Industries, Inc., P.O. Box 100, Sulphur, La. 70663.	Trunkline Gas Co., Southwest Esther Field, Vermilion Parish, La.	Depleted	
CI76–571 ..... A 5–26–76	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co., Potash Field, Eddy County, N. Mex.	[9] 81.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI76-572 5-28-76 [11]	R. H. Siegfried, Inc. et al., 1645 Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Co., West Tuleta and Ray Wilcox Fields, Bee County, Tex.	[7] 26.1995	14.65
CI76-573 B 5-24-76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Dilworth Dome Field, McMullen County, Tex.	Wells plugged and abandoned	
CI76-574 B 6-1-76	Amarex, Inc., Suite 200, 200 North Harvey, Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Wright well No. 1, Beaver County, Okla.	Depleted	
CI76-575 B 6-1-76	do	Panhandle Eastern Pipeline Co., Langston well No. 1, Texas County, Okla.	Depleted	
CI76-576 A 6-1-76	Champlin Petroleum Co., 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Wilson State Com. No. 1 well, Eddy County, N. Mex.	[13] 55.92	14.73
CI76-577 A 6-2-76	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Florida Gas Transmission Co., North Montegut Field, Terrebonne Parish, La.	[13] 64.2139	15.025

[1] Applicant proposes to continue its own service heretofore authorized by Texaco, Inc. (operator), in docket No. G-4820.
[2] The national rate Jan. 1, 1976, is 25.6653¢, includes 0.3978¢ gathering allowance and subject to upward and downward British thermal unit adjustment. The national rate July 1, 1976, is 32.1165¢, includes 0.3978¢ gathering allowance and subject to upward and downward British thermal unit adjustment. Applicant is willing to accept a perma nent certificate pursuant to opinion No. 749, subject to upward and downward British thermal unit adjustment.
[3] Subject to upward and downward British thermal unit adjustment.
[4] Subject to upward and downward British thermal unit adjustment. Applicant is willing to accept the applicable nationwide area rate provided in opinion No. 699-H.
[5] Includes 0.3365¢ upward British thermal unit adjustment.
[6] Includes 1.14¢ upward British thermal unit adjustment. Applicant is willing to accept a permanent certificate in accordance with opinion No. 699-H.
[7] Subject to downward British thermal unit adjustment.
[8] Applicant proposes to continue its own service heretofore authorized by Shell Oil Co., in docket No. CI60-660.
[9] Includes 0.3525¢ upward British thermal unit adjustment and 0.9946¢ added for gathering.
[10] Subject to upward and downward British thermal unit adjustment and includes 0.3978¢ gathering allowance. Applicant is willing to accept a permanent certificate in conformance with opinion No. 699. The contract rate is the national rate and the national rate is subject to upward and downward British thermal unit adjustment.
[11] Buyer buys its own production.
[12] Base rate plus tax reimbursement and subject to upward and downward British thermal unit adjustment.
[13] Includes 3.6¢ upward British thermal unit adjustment.

[FR Doc.76-17828 Filed 6-18-76;8:45 am]

[Docket Nos. CS76-689, etc.]

SOUTH LOUISIANA PRODUCTION CO., INC., ET AL.

Applications for "Small Producer" Certificates [1]

JUNE 14, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Filing date	Applicant
CS76-689 [1]	Apr. 7, 1976	South Louisiana Production Co., Inc., P.O. Box 52088 OCS, Lafayette, La. 70501.
CS76-849	May 26, 1976	Sarah B. Eddy, care of Watson, McKenzie & Dunlevy, attorneys at law, 1220 Liberty Tower, Oklahoma City, Okla. 73102.
CS76-850	May 27, 1976	Barnes Exploration Co., P.O. Box 505, Midland, Tex. 79701.
CS76-851	.....do.....	David M. Trainer, P.O. Box 763, Hobbs, N. Mex. 88240.
CS76-852	.....do.....	Loretta D. Lowe, P.O. Box 763, Hobbs, N. Mex. 88240.
CS76-853	.....do.....	Columbus Production, Inc., P.O. Box 351, Gillette, Wyo. 82716.
CS76-854	.....do.....	Wise Oil Co. No. 2, 2050 1st of Denver Plaza, Denver, Colo. 80202.
CS76-855	May 28, 1976	Ross and Barker Gas Co., Star Route Box 232, Racine, W. Va. 25165.
CS76-856	.....do.....	Donald T. Ingling, 1018 1st National Bldg., Wichita, Kans. 67202.
CS76-857	.....do.....	Four States Petroleum, Inc., 217 East 1st, Suite 3, Hutchinson, Kans. 67501.
CS76-858	May 26, 1976	Edward N. Juhan et al., 7675 West 14th Ave., Lakewood, Colo. 80215.
CS76-859	June 1, 1976	Tribal Oil & Gas Co., Route No. 5, Box 74, Norman, Okla. 73069.
CS76-860	.....do.....	Lynn C. Stewart, 1212 North Pine, Hastings, Nebr. 68901.
CS76-861	.....do.....	Comstock Production Co., Route No. 5, Box 74, Norman, Okla. 73069.
CS76-862	June 2, 1976	Ruth Craig, 704 Plains, Hereford, Tex. 79045.
CS76-863	June 4, 1976	Industrial Gas Services, Inc., 4501 Wadsworth Blvd., Wheat Ridge, Colo. 80033.
CS76-864	.....do.....	Claude R. Lambe, Suite 430, 200 West Douglas, Wichita, Kans. 67202.
CS76-865	.....do.....	Golda H. Stitt, 612 Country Club Rd., Fairmont, W. Va. 26554.

[1] Being renoticed to show correct name and address of applicant.

[FR Doc. 76-17829 Filed 6-18-76;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, April 26, 1976, 41 F.R. 17429.

Because the below listed cigarettes have been reformulated they have been retested in accordance with the December 17, 1970, Commission's agreement with the Tobacco Industry. The results of the test are as follows:

[In milligrams per cigarette]

	TPM dry	Nicotine
Doral, king size, filter, soft pack	13	0.9
Doral, king size, filter, menthol, soft pack	12	.8
Tempo, king size, filter, soft pack	8	.5

By direction of the Commission dated June 16, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-18105 Filed 6-20-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of NRC 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 15, 1976. See 44 U.S.C. 3512 (c) and (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 NRC requirement 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 9, 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, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

NUCLEAR REGULATORY COMMISSION

NRC requests approval of a voluntary one-time statistical summary report of personnel monitoring data for 1975. Section 20.407 of the Commission's regulation 10 CFR Part 20 currently requires four categories of licensees to submit an annual statistical summary report of personnel monitoring data. A proposed amendment of section 20.407 was published on May 30, 1975, to extend this reporting requirement to all NRC licensees. Comments on the proposed amendment raised questions regarding the value of the data to be obtained and the burden of reporting by licensees. In order to provide the Commission a better basis on which to evaluate the value and impact of the proposed amendment the Commission's Director, Office of Standards Development, proposes to request specific licensees to submit a statistical summary report of whole body personnel monitoring results during 1975 as a voluntary one-time action. The one-time survey would cover 6,550 licensees not required at this time under section 20.407 to submit reports. Each report would require about 20 minutes to prepare as estimated by NRC. This would involve the summing of four (quarterly) entries of personnel monitoring data required by section 20.401 and entering the number of individuals whose total falls in each of the exposure ranges specified in section 20.407.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-17976 Filed 6-18-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Manpower and Payroll Statistics System of Records

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 through 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a. On June 3, 1976, there was published in the FEDERAL REGISTER (41 FR 22407) a notice deleting three systems of records and renumbering 10 systems of records. The General Services Administration (GSA) hereby publishes for comment additional routine uses for the system of records identified as "Manpower and Payroll Statistics System (MAPS), GSA/OAD 35" (40 FR 39193), renumbered as "GSA/OAD 32" (41 FR 22407). Any person interested in commenting on the additional routine uses contained in this notice may do so by submitting comments in writing to General Services Administration (BR), Washington, DC 20405. Comments must be submitted on or before July 21, 1976.

The system of records identified as "Manpower and Payroll Statistics System (MAPS), GSA/OAD 32" is amended as follows:

Routine uses of records maintained in the system, including categories of users and the purpose of such uses (Insert the following paragraphs immediately after the caption):

Routine uses of records maintained in the system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Director of Administration, General Services Administration (B), Washington, DC 20405. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director of Administration, General Services Administration (B), Washington, DC 20405.

Dated at Washington, D.C., on June 14, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-17965 Filed 6-18-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARTISTS-IN-SCHOOLS

Application Guidelines; Fiscal Year 1977; School Year 1977-1978

The following are guidelines for Fellowship Grants made under the Artists-in-Schools Program of the National Endowment of the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for these grant applications is 1 August, 1976. Interested persons should contract John Kerr, Director, Artists-in-Schools Program, National Endowment for the Arts, Mail Stop 608, Washington, D.C. 20506 (202) 634-6028, for further information and application forms.

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

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Education Program is one of twelve major Program areas. This booklet contains application information and instructions for their Artists-in-Schools program. The Education Program also provides assistance to graduate programs in arts administration and projects that involve the arts and artists in learning experiences outside the traditional school environment. Information about these and other areas of assistance is contained in the Endowment's "Guide to Programs" which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. April 1976.

ARTISTS-IN-SCHOOLS PROGRAM

1. INTRODUCTION

The Artists-in-Schools Program involves the placement of professional artists in elementary and secondary schools to work and to demonstrate their artistic disciplines. It is funded primarily through grants to State Arts Agencies and other cooperating organizations such as the St. Paul Council of Arts and Sciences and the San Francisco Poetry Center.

Application Deadline

Applications from State Arts Agencies or designated cooperating organizations must be postmarked no later than August 1, 1976 for the 1977-78 school year.

Notices of grant awards will not be sent before early December 1976 for the 1977-78 school year, thus giving approximately ten months advance notice for planning, selec-

tion of artists and sites, and identification of matching funds.

2. STATEMENT OF THE NATIONAL COUNCIL ON THE ARTS

The Artists-in-Schools is a national State-based program in which we are very proud to participate and assist. We believe that the Endowment's future financial support should be viewed as "advocacy" or "seed" money for a concept whose nationwide acceptance would eventually generate the substantial funds necessary to place artists in a majority of the schools in this country. This view of the program as one of advocacy has existed since the beginning, but we believe the advocacy role now should be expanded and emphasized.

The National Council on the Arts and the Artists-in-Schools Advisory Panel recommend that the Endowment, State Arts Agencies, State Departments of Education, local school districts and others join in an effort to secure the very substantial financial commitments needed to move Artists-in-Schools from a basically demonstration phase. The principal source of funds must be local and State governments. However, to achieve the long term goal it will be necessary not only for the Endowment and State Arts Agencies to continue the support of this national program, but to involve commitments from other Federal agencies and private sources of funds.

The Council believes that the basic principles already established in Artists-in-Schools must be maintained as we seek to obtain vast expansion. Of primary importance is the question of quality. The success of the program is based in large measure on the participation of exceptionally talented professional artists in situations where the creative process is encouraged. In-depth contact with students, adequate studio space, equipment and supplies are essential to the success of each project. In addition, the remuneration paid to the artist and the schedule should provide the artist with the opportunity to work independently, thereby contributing substantially to the financial and creative life of participating artists.

In all phases of the development of Artists-in-Schools, the Council urges the continued close cooperative effort with the State Arts Agencies.

While responsibility for assuring the high quality of the program is shared by State, local and national agencies, the greatest reliance must be placed upon State Arts Agencies with knowledge of local artists and the communities in which the program is to be carried out.

3. PURPOSE

Artists-in-Schools recognizes that we all are required to make aesthetic decisions each day. Since one of the purposes of education is preparation for life, the development of aesthetic awareness and participation in the arts must be an integral part of learning experience in the school and the community.

Artists-in-Schools is a nationwide program involving the cooperative efforts of professional artists, students, parents and teachers. This exchange, which enriches the creativity of all three groups, should not to be a casual or momentary encounter. It is intended to be a sustained interaction continuing through a sufficient portion of the school year which will be of mutual benefit to artists, teachers, students and the community. The program is intended to serve as a catalyst within the school and to provide a model for continuing collaboration between artists and teachers in all schools and at all levels.

The program is designed to encourage flexibility and cooperation between the State Arts Agencies and the Endowment both in the development of the original proposal and throughout the entire project period. Naturally, it is important that each State take responsibility in developing its own priorities in consultation with the Endowment. In doing so, great attention needs to be given to assuring that there be a sufficient number of components to give appropriate diversity in the overall program.

The program is not designed to train a generation of professional artists. Its purposes are primarily to enhance children's powers of perception and their ability to express themselves and communicate creatively through using tools and skills they might not otherwise develop. The program is also intended to provide an opportunity for artists to function in schools and communities in a manner and under working circumstances conducive to their own artistic development.

Within this overall framework, the program may provide a variety of different benefits for students, teachers, artists and the community:

For Students, it may:

Nourish the innate creativity of students;

Enhance perception, self-awareness and self-expression;

Establish a pattern of achievement in the arts leading to greater achievement in other subject areas;

Encourage more involvement in the arts—both as participants and as spectators;

Enhance knowledge of contemporary arts and artists, and of the artists' role in society; and

Secure a fuller understanding of the creativity and artistic resources representative of all segments of the community.

For Teachers, it may:

Offer shared insights into the creative process;

Gain new respect for creativity in their students and in themselves;

Lead to shared methods for stimulating student interest in the arts, and in other subjects; and

Enhance knowledge and understanding of contemporary arts and artists, and of the role of the arts in society.

For Artists, it may:

Enhance creative development through direct exchanges and cooperative efforts undertaken with students and teachers;

Create the opportunity and the ability to communicate with wider audiences; and

Clarify the role of the artist in society.

For the Community, it may provide:

A growing interaction with students, parents, artists and schools;

A growing sense of the artists' role in the community and the importance of community participation in the creative process; and

A recognition that there are artistic activities occurring in many segments of the community.

4. History

The Artists-in-Schools Program was officially launched in 1969 as a pilot program placing visual artists in school residencies in six States. Prior to this time, the Endowment had initiated a poets in the schools program that was quite successful.

The success of these pilots brought commitment from all involved—the artists, teachers, school officials, parents and State Arts Agency staffs. Today the program has expanded to include dancers, musicians, craftsmen, folk artists, filmmakers, video artists, architects, environmentalists as well as poets, writers, photographers, sculptors, painters and graphic artists—working in all 50 States and five special jurisdictions.

The program has been one of cooperation and interaction. From the beginning the United States Office of Education (Department of Health, Education and Welfare) has cooperated closely with the Endowment in the development and funding of the program. During the 1972–73 school year, the Bureau of Indian Affairs (Department of the Interior) participated in a special Artists-in-Schools project involving drama, film, poetry and visual arts at the Institute of American Indian Arts in Santa Fe, New Mexico. The following year funds appropriated under the Manpower Development and Training Act were provided for training programs and technical assistance for artists (poets, dancers, filmmakers) throughout the United States. These funds were utilized primarily for workshops and seminars.

In April 1974 at the request of the National Council on the Arts, State Arts Agency representatives met with Endowment staff to discuss new directions for the program. Subsequently, the National Assembly of State Arts Agencies adopted a statement of support with recommendations. In accord with these suggestions and the recommendations of the National Council on the Arts, the Artists-in-Schools Advisory Panel was established and modifications in guidelines were made.

At an Artists-in-Schools National Conference held in July 1975, school coordinators, panel members, administrators, artists and educators shared their experiences and examined the program's policies, goals and commitments. Following this conference, regional meetings in New England and Oklahoma brought substantive recommendations to the Artists-in-Schools Advisory Panel. Among their suggestions was a desire to pilot an alternative method of applying for Artists-in-Schools program funds from the Endowment.

These guidelines reflect changes in the program. The new format for applying is called Option B and is incorporated into these guidelines with the approval of the National Council on the Arts. Beginning with the 1976–77 school year, the film/video component will be coordinated on a regional basis with several regional film centers acting as resources for coordination of the component in their region.

Beginning with the 1977–78 school year, the theatre component will be open to applications from all States and special jurisdictions. The music component achieves limited status indicating that applications are now invited from interested and participating State Arts Agencies, although only a limited number of projects can be funded.

5. ELIGIBILITY

Grants are made directly to State Arts Agencies and designated cooperating organizations to administer the Artists-in-Schools program in each State.

Elementary and secondary public or nonpublic schools and professional artists may participate in the program. Information concerning participation is listed under "Inquiries."

NOTE.—By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

Organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1954, as amended. A copy of the Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the re-

quirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin or handicap. It should be noted that these requirements, under recent court decisions, specifically prohibit exclusion from the benefits of the Artists-in-Schools program because of language barriers.

Each applicant is required to file with the Arts Endowment Grants Office an Assurance of Compliance with Civil Rights Act of 1964 form if it has not done so within the last five years.

Organizations which compensate all professional performers, related or supporting performer professional personnel, laborers, and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

6. INQUIRIES

Interested elementary and secondary public and non-public schools should direct inquiries to their State Arts Agency (see listing, page 18) with information copies to their State Education agency.

Professional Artists

Artists-in-Schools does not offer grants directly to individual professional artists. Artists interested in participating in one of the components should direct inquiries as follows:

Architecture/Environmental Arts Component

Aase Eriksen, Educational Futures, Inc., 4508 Regent Street, Philadelphia, Pennsylvania 19143 (215) 387-5712, or State Arts Agency (see page 18).

Dance Component

Education Program/Mail Stop 608, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6028.

Film/Video Component

Education Program/Mail Stop 608, National Endowment for the Arts, Washington, D.C. 20506. (202) 634-6028, or State Arts Agency (see page 18).

Folk Arts Component

Folk Arts Program/Mail Stop 609, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6020, or State Arts Agency (see page 18).

Poetry Component

Literature Program/Mail Stop 607, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6044, or State Arts Agency (see page 18), except in—California: San Francisco Poetry Center, San Francisco State College, San Francisco, California 94132 (415) 469-2227. Minnesota: COMPAS, Inc., 75 West 5th Street, St. Paul, Minnesota 55102 (612) 227-8241. New York: New York State Poets-in-the-Schools, Inc., 125 King Street, Chappaqua, New York 10514 (914) 238-4481.

Music Component (Limited)

Education Program/Mail Stop 608, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6028, or State Arts Agency (see page 18).

Theatre Component

Education Program/Mail Stop 608, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6028, or State Arts Agency (see page 18).

Visual Arts and Crafts Component

State Arts Agency (see page 18).

Grant Amounts

State Arts Agencies and designated cooperating organizations should note that in most cases grants for the 1977-78 school year will be the same as the amount of support received for the 1976-77 school year. In some cases grants may be decreased or increased by moderate amounts depending on needs, program development or other circumstances.

Screening Criteria

Grants will be awarded to State Arts Agencies and designated cooperating organizations on the basis of:

Quality of the proposed project;
Ability to match Endowment monies; and
Availability of funds to the Endowment.

9. ADMINISTRATIVE RESPONSIBILITIES OF STATE ARTS AGENCY

From the inception of the program, the National Endowment for the Arts has encouraged State Arts Agencies and designated cooperating organizations, in coordination with State Education agencies to assume primary responsibility for administration of the program. Selection of artists and schools and administration of grants is largely the responsibility of the State Arts Agencies in consultation with artists and advisory groups. State Agencies are encouraged to shape the program in accordance with local needs and objectives.

Specific responsibilities of the State Arts Agencies and cooperating organizations will be to:

1. Plan and coordinate each component of Artists-in-Schools with State Education agencies and local public and private schools.
2. Select sites and artists in consultation with State and local education agencies.
3. Prepare applications for submission to the Endowment.
4. Receive and administer the National Endowment for the Arts grants, in accordance with these guidelines.
5. Prepare or arrange for the preparation of financial and narrative reports to the Endowment as required by the grant award letter.

OPTION A: ARTISTS-IN-SCHOOLS COMPONENTS

At the present time, the components of the Artists-in-Schools program include: architecture/environmental arts, dance, film/video, folk arts, poetry, theatre and visual arts and crafts (e.g. graphics, painting, photography, sculpture, pottery, weaving, etc.). There is also a limited component in music.

Guidelines for each of the components are set out below. These guidelines will be used by the staff Artists-in-Schools Advisory Panel and National Council on the Arts in reviewing applications from State Arts Agencies and designated cooperating agencies.

In preparing applications, it should be noted that States may provide cash or in-kind matching for the total Artists-in-Schools State plan as well as on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.

In developing a State plan, the items listed in the Addendum on page 21 should be reviewed.

1. ARCHITECTURE/ENVIRONMENTAL ARTS COMPONENT

Funds are for the placement of designers in elementary and secondary schools. The residency is usually for a full school year, but the time may be divided among two or three designers. A portion of each grant can be used for visiting designers selected by the resident designer.

The architecture/environmental arts component is designed to utilize professional designers-in-residence in order to bring about an awareness and understanding of the built environment by:

Serving as a resource person to teachers and students learning about the built environment;

Sharing the working methods and tools of an architect with the school community;

Demonstrating to the school community the design process; and

Involving the school community as participants in the process.

One of the main goals of the residency will be to initiate an ongoing program dealing with an awareness and understanding of the built environment for itself and as it relates to the natural environment. This program should help heighten the design awareness and explore the design process with both students and teachers through special projects and programs.

The residency must be defined clearly in terms of the designer's commitment to allow adequate time to devote to students and teachers as well as time for his or her own work independent of the program. Participating schools must provide adequate studio space, facilities, and equipment necessary for the designer.

Participating designers may be from any of the broad range of environmental design disciplines which take part in designing the built environment. These include, but are not limited to, architects, landscape architects, industrial designers, interior designers and planners. More specific selection criteria may be established by the panel within each State.

Amount of Grants

Generally, grants are in the amount of $6,100 which must be matched in dollars to provide $12,200 for one resident designer for a full school year. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Sample Budget and Matching Requirement

$10,800	Compensation and supplies for resident designer
1,200	Honoraria for visiting designers selected by the resident designer to complement his/her own work
200	Documentation
$12,200	Total for one designer
($6,100	Federal share; $6,100 Grantee match)

This budget may be modified in consultation with the Endowment.

Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall State plan or an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local

businesses, civic associations, or foundations may be interested in participating.

Selection of Designers

Selection is by a panel from within each State. Panel composition is approved by the Endowment. The panel should include: the director of the State Arts Agency (or a designated representative), a design or art educator or a design or art supervisor in schools, an environmental designer, a representative of the National Coordinator and an architect.

2. DANCE COMPONENT*

The dance component of Artists-in-Schools is designed to utilize professional American dance companies and dance movement specialists in residency situations in order to:

Present dance as an art form;

Explore movement as a teaching tool;

Employ movement as a means of encouraging self-expression and self-awareness in children; and

Encourage development and expansion of dance activities in the schools after the residencies are completed.

Amount of Grants

Grants generally do not exceed $30,000 and in most cases will be considerably less. Endowment funds may be used only towards payment of the dance company(ies) in residence under Artists-in-Schools. Experience has shown that total project costs are generally not less than $10,000 for a project of quality. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Matching Requirement

Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall State plan or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Dance Companies/Dance Movement Specialists

The State Arts Agency working with State and/or local education agencies selects the dance company and movement specialists for the residency from the Directory of Dance Companies and Dance Movement Specialists available from the National Coordinator and the Education Program of the Arts Endowment.

A national advisory group of experts in the field of dance and education reviews those dance companies and dance movement specialists who wish to be considered for inclusion in Artists-in-Schools dance component in terms of professional experience, artistic quality, in-school teaching experience, company stability and suitability for the program. In addition, companies are required to meet the criteria on page 3 as well as the following quantitative qualifications required for participation in the Endowment's Dance Touring Program:

The company must have performed at least 15 public appearances for which the dancers and staff were paid no less than the minimum compensation level as defined by the appropriate union during the 1975–76 season, and must project at least 15 such performances for the 1976–77 season.

The company must have adequate management to provide potential tour sponsors with the necessary services to contract and carry out tour arrangements.

The company must have a history of sound administrative practices. If there is a reason to question the administrative function of the company, such as a history of cancelled contracts, commitments unfulfilled, deviation from the minimum fee requirements, et cetera, the company will be required to describe what it has done to correct these problems before it will be considered eligible for participation in the program. If the problem remains, the company will be ineligible for participation. Each company's participation in the program will be reviewed annually to determine that the company is functioning within the Guidelines of the program.

Implementation of the Program

1. *Planning Orientation Workshops*—Summer workshops for program participants (in-school coordinators and school administrators, dance company members, dance movement specialists and State Arts Agency representatives) are held prior to the school year in order to insure careful and effective planning of the residencies.

2. *The Residencies.*—In order to achieve in-depth impact:

The dance company must be in residence at each locale for a minimum of two weeks. Generally, the company will present at least one performance at the end of its residency for those students, teachers, administrators, school board members, and parents who have been directly involved in the program, as well as for community leaders and the general public;

The dance movement specialists must be in residence for at least four weeks preceding and/or following the company's residency.

3. *The National Coordinator.*—Under the direction of the Endowment, the responsibilities of the National Coordinator for the dance component are:

To aid dance companies and dance movement specialists to plan and execute their participation in the school residences;

To provide liaison, guidance and coordination for the implementation of State programs through consultation with State Arts Agencies, educational units, dance movement specialists and dance companies in order to maximize the effect of the residencies;

To serve as a clearinghouse for the dissemination of information among participants in the AIS dance component; and

To respond to inquiries regarding all aspects of the AIS dance component.

Final selection of the National Coordinator will be announced prior to the school year 1977–78. The present National Coordinator is Charles Reinhart. Sandra Dilley is the Project Coordinator. Their address is: Charles Reinhart Management, Inc., 1860 Broadway, Room 112, New York, New York 10023, Telephone: 212/586–1925.

4. *Artists' Fees.*—Endowment funds may be used only towards payment of the dance company(ies) in residence under Artists-in-Schools. All dance company activities (including public performance as well as transportation costs are included in the fee. The production cost of the public performance is the responsibility of the local sponsor or presenting organization. Participating dance companies must receive at least the minimum fee certified to the Endowment.

The dance movement specialists' fees are paid directly by the National Coordinator's Office from a separate grant.

5. *In-School Coordinators.*—Participating school districts must assign two in-school coordinators, an administrator and a dance-trained coordinator to provide liaison between the artists, classroom teachers and parents, and school administrators before and during the residencies and to plan and implement local follow-up when residencies are completed. The administrative in-school coordinator should have administrative ability, knowledge of the school district and necessary influence within the district to make all arrangements essential to the smooth operation of the program. The dance in-school coordinator should have dance training and the ability to continue to stimulate and expand dance activities in the school after the completion of the residences. In-school coordinators must have release time in order to accomplish their responsibilities. Specific responsibilities include:

Preparing residency schedules with the advice and approval of the dance company and dance movement specialist;

Facilitating communication among teachers, administrators, parents and students about purpose, events and expectations of the residency well in advance of residency dates;

Making all necessary local arrangements for artists in consultation with the State Arts Agency and/or State or local educational agency; and

Facilitating development of dance activities in the school and community after the residencies.

3. FILM/VIDEO COMPONENT

Funds are for placement of professional filmmakers and video artists in elementary and secondary schools. Projects may include live-action film, animation or videotape.

Since film and video are not traditionally taught in schools, in-service training will be provided to teachers to ensure both the quality and longevity of the program. The film/video artist works closely in planning and implementation at each site. Many filmmakers and video artists also provide training for teachers at the school site.

Amount of Grants

Grants to individual States range in amount from $7,500 to $15,000. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Sample budget and matching requirements

	$15,000 sites (¾ Federal)	$20,000 sites (¾ Federal)	$30,000 sites (½ Federal)
Artists:[1]			
Honoraria	$5,000	$7,500	$10,000
Travel	1,000	1,000	2,000
Per Diem	1,500	1,500	3,000
	7,500	10,000	15,000
Teachers:			
Summer and in-service local training	2,000	1,500	3,000
Release time	1,000	1,500	2,000
	3,000	3,000	5,000
Equipment	2,000	3,000	5,000
Film, processing, supplies	1,500	3,000	4,000
Administration	1,000	1,000	1,000

[1] Since 1 purpose of the program is to support and encourage the role of practicing artists within the schools, at least 25 pct of the total budget should be assigned for honoraria, travel, and living expenses, for the artists.

NOTE.—These budgets are samples and may be modified in consultation with the endowment.

* A professional is one who is in a professional practice or teaching at a professional school; licensing is not critical.

*Detailed program information is provided to participating State Arts Agencies and State or local education agencies to assist with program planning.

Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall program outline or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Filmmakers/Video Artists

Filmmakers will be chosen to meet the needs at each site. This should be done in consultation with the State Arts Agency, appropriate education agencies, and the designated regional film center in a State's particular region.

Implementation of the Program

Coordination of the film component of Artists-in-School years 1976–77 and 1977–78 is being planned on a regional level, with several regional film centers around the country acting as resources for coordination of the film component in their particular region. The role of these centers will be to provide guidance for State Arts Agencies in drawing up their initial project plans and budgets, assistance in the identification of competent professional filmmakers, provision for in-service training programs for teachers and administrators, consultation on equipment, guidance in raising matching funds, and on-site visitations of projects.

Final plans and selection of regional film centers for coordination will be made sometime in the Spring of 1976. The State Arts Agencies will be notified immediately as to the centers and personnel involved, as soon as final arrangements have been made.

4. FOLK ARTS COMPONENT

Funds are for the placement of folk artists in elementary or secondary schools. By "folk artists" is meant artists representing the traditional expressive forms of the various cultures of the United States. The program encourages a broad interpretation of both "folk" and "arts"; however, it strongly urges the use of traditional artists themselves, rather than "interpreters" of folk arts who do not truly represent the cultures involved.

It is particularly desirable that the traditional artists be resident in schools in their own communities or regions. In many cases, it may be desirable to allocate part of the grant to a professional folklorist, folk arts specialist, or other person knowledgeable in a folk culture who can organize the project, locate the artists, and act as an intermediary between the folk artists and the schools. A portion of each grant can also be used for visiting folk artists to complement the contributions of the resident folk artist.

The residencies should be in depth; one-time appearances are discouraged. Latitude will be provided in arrangements to accommodate the great variety of traditional arts. Where appropriate, participating schools must provide adequate space, equipment and time for the artists to pursue their own work. Appropriate cooperative projects with non-school organizations can occupy part of an artist's time, at the artist's discretion. The folk artist is viewed not as a member of the teaching staff, but as an artist in a school situation.

Amount of Grants

Generally grants to individual States are in the amount of $7,500 to $15,000 and must be matched dollar for dollar. The National Council on the Arts strong urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Sample Budget and Matching Requirement

$10,800	Compensation and supplies for resident folk artist(s)
1,200	Honoraria for visiting folk artists
2,800	Honoraria for folkloristliaison(s)
200	Documentation
$15,000	Total for resident folk artist(s)

($7,500—Federal share; $7,500 Grantee share)

This budget may be modified in consultation with the Endowment.

Endowment support in this component should be matched at least equally by non-federal funds. Matching for this pilot component must be on a dollar for dollar cash basis. The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Folk Artists

Selection is by a panel from within a State. Panel composition is approved by the Endowment. The Endowment's director of Folk Arts (202/634–6020) will provide assistance as requested. The panel should include the State Arts Agency director (or designated representative), a folk artist, various specialists in the folk arts traditions of the State.

5. MUSIC COMPONENT (LIMITED)

Funds are for the placement of music composers and performers of all musical traditions in elementary and secondary schools. The program encourages new and innovative contexts for the musician in residence—that provide the widest range of student contract and promote a high degree of integration into the mainstream of the school's activities. Jazz, folk, and ethnic music traditions are especially encouraged within this component.

This year the music component is identified as being "limited," indicating that applications are now invited from all participating arts agencies, although only a limited number of projects can be funded.

A residency is normally one year, although a single semester or school term could also be considered. It should be pointed out that, within the residency, two or three different musicians might be involved at different times. Contract with the musician over a long period of time is central to the Artists-in-Schools concept, so that students experience the artist as an individual personally committed to the creative process in music making. For this reason, projects involving major ensembles-in-residence or short-term residencies are not generally within the purview of this component.

Appropriate cooperative projects with non-school organizations can occupy part of the musician's time, at the musician's discretion. The artist is viewed not as a member of the teaching staff but as a practicing artist in a school situation.

The Endowment recognizes the presence of well-established and successful music programs of long standing in American schools. The artist and his/her activity could be complementary to these existing programs in a number of ways:

To expand the scope of musical traditions currently available in the school;

To involve student populations not now participating in existing music programs;

To use the artist and the music in new and innovative ways within the life of the school; or

To bring another perspective or approach to aspects of the existing music programs.

In order to encourage long-term Artists-in-Schools residencies, it is recommended that local professional musicians be used.

For folk and ethnic musicians, the general guidelines for the folk arts component pertain (see p. 9). Although the criteria for an artist in the folk and ethnic areas are not always as clearly articulated or as generally agreed upon, major considerations should include: the artist's status as a currently active performer; and the high quality of the artist's performance as defined within the specific tradition involved.

The composer-performer is encouraged to work in a musical style that utilizes equipment (instruments, etc.) already available to the school. Participating school must provide adequate space, equipment and time for the artist to pursue the project.

Amount of Grants

Genreally, grants to individual States are in the amount of $6,100 and must be matched dollar-for-dollar. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Sample Budget and Matching Requirement

$10,800	Compensation & supplies for resident musician
1,200	Honoraria for visiting musicians selected by resident artist to supplement his or her own work
200	Documentation
$12,000	Total for one resident musician

($6,100—Federal share; $6,100—Guarantee share)

This budget could be modified in consultation with the Endowment, particularly in the folk/ethnic traditions where a liaison person might be necessary.

Endowment support in this component should be matched at least equally by non-Federal funds. Matching for this limited component must be on a dollar for dollar basis. The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Musicians

Selection is by a panel from within a State. Panel composition is approved by the Endowment. The panel should include the State Arts Agency director (or designated representative), a musician active in the music tradition under consideration, and various individuals knowledgeable in the music tradition under consideration.

6. POETRY COMPONENT

The poetry component provides funds for the placement of professional creative writers in elementary and secondary classrooms. The poetry component is designed to:

Encourage students to express themselves through the use of language;

Introduce students and classroom teachers to contemporary poetry and fiction;

Provide teachers with suggested new techniques in the teaching of creative writing and inspiring children to read;

Build audiences for contemporary writing; and

Effect positive changes in student attitudes toward learning.

Matching Requirement

Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on

an overall program outline or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Poets

Participating poets must be professional and published. Selection is made jointly by the State Arts Agency and the participating schools. In addition, the Endowment Literature Program will provide assistance as requested. Information on the availability of A Directory of American Poets is on page 16.

Implementation of the Program

Orientation/training sessions for teachers should be made a part of the program and strong emphasis should be given to acquainting teachers with the work of contemporary writers. Classroom teachers should be thoroughly briefed on visiting poets' work prior to the residencies.

Poets should work no less than four times with the same groups of students, preferably more than this. Visits to classrooms need not be on consecutive days. Poets should not be scheduled for more than four periods during the normal school day. Allowances should be made within the budget for travel since one poet can reach a number of schools over a State or community during a relatively short period of time. One-time visits by a poet can be a useful introductory device, but should not be the continuing basis for allocating a poet's time in a community.

Writing done by students should be collected and reproduced if possible, so that it may be returned to the student in time for the poet's next visit. Schools should be encouraged to assume responsibility for this service as an in-kind contribution. A selection of student writing should be part of the final report on the poetry component.

THEATRE COMPONENT

The theatre component of Artists-in-Schools is designed to utilize American professional theatre companies and ensembles in performance oriented residency situations to:

Present theatre as an art form; and

Explore the use of theatre and of theatre artists within the educational environment to expand the educational experience of children.

For the first time in school year 1977–78, the theatre component of Artists-in-Schools will be open to general application from the States, in the same manner as the other components. States will therefore be permitted to apply for the theatre component within their overall Artists-in-Schools program in accordance with their own priorities.

Amount of Grants

Grants amounts will vary with the specific requirements and structure of the individual programs. Endowment funds may be used only towards payment of the fee of the theatre company or ensemble in residence under Artists-in-Schools. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Selection of Theatre Companies/Ensembles

Theatre companies/ensembles should be chosen to meet the needs of each individual site. Initial selection for application purposes will be made by the State Arts Agency, which should feel free to draw upon national theatre resources from both within and without its own State in making a selection. All theatre companies/ensembles for whom application is made will be reviewed by a consultant, panelist or staff member of the Education Program prior to final action on the application by the Artists-in-Schools Advisory Panel. Theatre companies/ensembles selected by the State Arts Agency should have already existing school programs which can be reviewed by a representative of the Education Program.

As the theatre component of Artists-in-Schools wishes to encourage the creation of additional high-quality school programs by the nation's professional theatre companies and ensembles, it is hoped that the requirement of an already-existing program will not act as a deterrent to the creation of such programs, but will rather provide encouragement for their creation, in the hope of future participation in the Artists-in-Schools program.

States desiring assistance and/or consultation in selecting theatres for participation in the Artists-in-Schools theatre component should consult the Education Program (202/634–6028).

Participating theatre companies and ensembles are required to meet the criteria on page 3 and have a history of sound administrative practices. If there is a reason to question the administrative functioning of the company, such as a history of cancelled contracts, commitments unfulfilled, deviation from the minimum fee requirements, et cetera, the company will be required to describe what it has done to correct these problems before it will be considered eligible for participation in the program. If the problem remains, the company will be ineligible for participation.

Implementation of the Program

Residencies should be in some depth and should emphasize the role of the performance as the essence of the theatre experience. Flexibility in format will be permitted to allow for the particular needs and capabilities of individual schools and communities. Active community involvement in the residency and performances is encouraged.

Participating schools must provide adequate rehearsal and performance space, facilities and equipment, as required by the individual theatre residencies. In practice, appropriate cooperative projects with State or local arts organizations can occupy part of the theatre artists' time, at the artists' discretion. A close working relationship with the teaching staff of the school is encouraged. The theatre artist is viewed not as a member of the teaching staff, but rather as a practicing theatre artist working on his/her art in a school situation.

Each theatre company/ensemble participating in the theatre component will be reviewed at least once annually before a decision as to funding renewal or termination is made by the Artists-in-Schools Panel. Funding for any one year is neither assurance of, nor does it preclude, funding for any future years. It is anticipated, however, that companies who have conducted successful residencies in the program will continue to receive support it funds are available and the State wishes to continue with the component.

8. VISUAL ARTS AND CRAFTS COMPONENT

Funds are for placement of professional craftsmen and visual artists (sculptors, painters, photographers, printmakers and other graphic artists) in elementary and secondary schools. The residency is usually for a full school year, but the year can be divided among two or more artists. A portion of each grant can be used for visiting artists selected by the resident artist. Funds for the supplies of the resident artist are included as a part of the total compensation to the artist ($10,800). Budgetary provision for program supplies for students, teachers and other participants is the responsibility of the participating school(s).

The artist devotes part time to students and teachers and part time to his or her own work. Participating schools must provide adequate studio space, facilities, equipment, and time for the artist to pursue his or her own work. In practice, appropriate cooperative projects with state or local art organizations can occupy part of the artist's time, at the artist's discretion. The artist is viewed not as a member of the teaching staff, but rather as a practicing artist working on his or her own art in a school situation.

Amount of Grants

Generally, grants to individual States are in the amount of $6,100, which must be matched in dollars to provide $12,200 for one resident artist for a full school year. In some instances, higher grant awards may be recommended recognizing that the States are attempting to secure dollar for dollar match but may not be able to do so at the present time. The National Council on the Arts strongly urges States to match their Endowment grants by a formula which exceeds the dollar-for-dollar match.

Sample Budget and Matching Requirement

$10,800	Compensation and supplies for resident artist
1,200	Honoraria for visiting artists selected by resident artist to complement his or her work
200	Documentation
$12,200	Total for one artist

($6,100—Federal share; $6,100—Grantee match)

This budget could be modified in consultation with the Endowment.

Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall State plan or on an individual basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each State for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating.

Selection of Visual Artists and Craftsmen

Selection is by a panel from within the State. Panel composition is approved by the Endowment. For crafts projects, the Endowment's Crafts Coordinator (202/634–1566) will provide assistance as requested. The panel should include the State Arts Agency director (or designated representative), a professional artist, an art museum curator or director or a member of a professional arts school, an art educator or are supervisor in schools. For crafts projects, the panel should also include a professional craftsman. Consideration should be given only to thoroughly professional artists, who can relate to students and teachers—and can work at their art in a school environment.

OPTION B: PILOT COMPREHENSIVE GRANT APPLICATION

In an effort to examine various alternatives for implementing individual State Art-

ists-in-Schools programs, the Artists-in Schools Advisory Panel—in addition to the traditional component-by-component applications outlined in the preceding pages—will also consider applications from a few States for funding of comprehensive Artists-in-Schools grants. This form of application, which should be in the spirit of the individual component guidelines, will be accepted in lieu of the traditional application format. All applications for Artists-in-Schools will continue to be evaluated in light of the continuing policy and objectives of the Artists-in-Schools program.

States wishing to apply under Option B should notify the Education Program of their intention to do so by May 31, 1976.

Comprehensive grant applications must continue to assure that the following basic objectives of the program will be met:

Adequate time is provided for artists to pursue their own work.

Adequate studio/work/performance space is provided for artists.

Substantial provisions are made for pre-residency preparation, follow-up, in-school coordinators and school administrative support.

Substantial provision for community and teacher involvement with AIS residencies are made.

Provisions are made for encouraging local support for and extension of the Artists-in-Schools concept.

An adequate administrative structure is provided to assure effective implementation of the program.

Residencies are of sufficient length to assure that students' exposure to artists will be in-depth and will involve a significant opportunity to work in the particular medium.

At a minimum, applications from States for comprehensive grants should include the following substantive information regarding the planned implementation of the State program:

1. Describe your total plan for placing professional artists in educational settings. How does it fit into your agency's overall plans and priorities?

2. Describe the interaction planned between the artist(s) and eduactional settings, per art form. Describe the interaction between artist(s) and students; artist(s) and teachers; artist(s) and administrators; artist(s) and community.

Provide the following information:

Length of residency;

Type of facility provided for the artist(s);

Type of teacher preparation and support system;

Artist(s) selection; and

Protection of artists' interest.

3. What other programs and resources is the State Arts Agency coordinating with the Artists-in-Schools to support the total plan? (CETA, Titles, State program funds, foundations, et cetera). Please provide answers to the following:

How is the Artists-in-Schools grant matched?

How does the State Arts Agency interact with its State Alliance for Arts Education and State Department of Education?

Describe the standards and methods for paying artists.

4. Describe documentation of the program and distribution of this information.

5. Describe method of evaluation. How will information gathered from evaluation be used to implement rational program changes?

6. How will the comprehensive plan be administered? Are any parts of the program sub-contracted to other organizations? Describe the relationship. List names and addresses of actual or potential sub-contractors.

General Information

Resolutions on the Accessibility to the Arts for the Handicapped

National Council on the Arts:

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments of the State and local levels to take the intent of this legislation into account when building or renovating cultural facilities. (Adopted by the National Council on the Arts, September 15, 1973.)

Artists-in-Schools Advisory Panel:

In response to the above resolution of the National Council, the Artists-in-Schools Advisory Panel wishes to voice its strong support for encouraging increased emphasis on artists' involvement in projects which further educational opportunities for the handicapped. The Education Program supports several projects involving the handicapped within Artists-in-Schools and Alternative Education and hopes that more proposals for projects in this important area will be forthcoming.

2. Privacy Act Notification

In compliance with the Privacy Act of 1974 we furnish the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and also for statistical research and analysis of trends. The routine use for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight, and analysis of trends.

Failure to provide information as requested could result in rejection of your application because of insufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

3. Cooperation with the Alliance for Arts Education, State Departments of Education and Other Organizations

In order to insure that the Artists-in-Schools program is an important part of State and local arts education plans, the Artists-in-Schools Panel encourages avenues for cooperative planning between the State Arts Agency, The Alliance for Arts Education, the State Department of Education, and the relevant professional arts education associations within their State and other appropriate community groups.

Cooperation between the various organizations involved with arts programming in education is essential to the successful functioning of the complementary programs in this area and to an increased emphasis on arts education and the use of artists in our schools and communities.

Available Materials About the Program

Publications

The Artist in the School: A Report on the Artist-in-Residence Project.—CEMREL, Inc. 1970. Report on the 1969 pilot visual arts component, Artists-in-Schools Program. Distribution: CEMREL, Inc., 3120—59th Street, St. Louis, Missouri 63149. Price: $4.00 per copy.

Artists in Schools: Like a humming in the air.—By Bennett Schiff, National Endowment for the Arts, 1973. Report on Artists-in-Schools projects operating in Alabama, Minnesota, Wyoming, California, Nebraska, and Rhode Island during 1971–72 school year. Distribution: Program Information/Mail Stop 550, National Endowment for the Arts, Washington, D.C. 20506. Free.

Artists in the Classroom.—Connecticut Commission on the Arts, 1973. A "how-to" book on the AIS program published by the Connecticut Commission on the Arts, Education Programs. Distribution: Connecticut Commission on the Arts, 340 Capitol Avenue, Hartford, Connecticut 06106.

Dance in the Schools: A New Movement in Education.—Gene C. Wenner, Program Associate, Arts in Education Program, JDR 3rd Fund, 1974. This publication describes the use of dance in schools as developed through the Dance Component of the Artists-in-Schools Program of the National Endowment for the Arts. Distribution: Charles Reinhart Management, Inc., 1860 Broadway, Room 1112, New York, New York 10023.

A Directory of American Poets.—Poets and Writers, Inc., 1975. Includes names and addresses of 1500 poets and contemporary writers whose work has been published in the U.S. Distribution: Publishing Center for Cultural Resources, 27 West 53rd Street, New York, New York 10019. Price: $12.00 hardbound; $6.00 paperbound.

Homemade Poems.—A Handbook, by Daniel Lusk, 1974. Distribution: Lame Johnny Press, Associates, Hermosa, South Dakota 57744. Price: $2.50 paperback.

Learning About the Built Environment: A Sourcebook in Environmental Education for Use at the Elementary and Secondary Levels.—By Aase Eriksen, 1974. Distribution: National Association of Elementary School Principals, 1801 North Moore Street, Arlington, Virginia 22209. Price: $3.00 prepaid.

Manual for the City Building Educational Program.—By Doreen Nelson, 1974. Distribution: Doreen Nelson, Director, Center for City Building Educational Programs, 235 South Westgate Avenue, Los Angeles, California 90094. Price: $8.95+postage.

My Sister Looks Like a Pear, Awakening the Poetry in Young People.—By Douglas Anderson, 1974. Distribution: Hart Publishing Company, Inc., 15 West Fourth Street, New York, New York 10012. Price: $7.50 hardbound; $2.95 paperbound.

Profile, The Alvardo School Art Workshop.—National Endowment for the Arts, 1975. Report on the visual arts and crafts programs of the Alvardo School Art workshop in San Francisco. Distribution: Education Program/Mail Stop 608, National Endowment for the Arts, Washington, D.C. 20506.

2. Films

*Artists - in - Schools * * * In Your School.*—16mm color, 12 minutes. General overview of the Artists-in-Schools program's various components. Filmmaker: ComCorps, Inc. Distribution: Available from your State Arts Agency (see pages 18–20); or National

Endowment for the Arts Film Library, c/o Association-Sterling Films, 1701 N. Fort Myer Drive, Arlington, Virginia 22209. Rental: Free loan.

Dancers in Schools.—16mm color, 28 minutes. Filmmaker D. A. Pennebaker was commissioned to document aspects of the dance component of the Artists-in-Schools Program jointly sponsored by the National Endowment for the Arts and the U.S. Office of Education. Film captures the excitement of demonstration/workshops conducted in Alabama and California by Murray Louis, Virginia Tanner and Bella Lewitzky. Each State Arts Agency owns a copy of this film. Distribution: Pennebaker, Inc., 56 West 45th Street, New York, New York 10036. Rental: $15.00. Sale: $250.00.

Move.—16mm color, 28 minutes. Documentary film on aspects of Artists-in-Schools Dance Component. Includes San Francisco conference of dance company members, dance movement specialists and administrators (August 1972) and residency of Bella Lewitzky Dance Company and Susan Cambique, dance movement specialist (Reno, Nevada—Spring, 1973). Filmmaker: Steeg Productions, Inc. Distribution: Charles Reinhart Management, Inc., 1860 Broadway, Room 1112, New York, New York 10023. Rental: Free loan.*

Children of The Media.—16mm color, 28 minutes. Film documents 1971–72 film component of the Artists-in-Schools Program. Filmmaker: Thomas McDonough. Distribution: Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014. Rental: $25.00. Sale: $250.00.

Music in the Air.—16mm color, 28 minutes. Documentary film on music component during the 1972–73 school year. Filmmaker: Don Lenzer Films. Distribution: National Endowment for the Arts Film Library, c/o Association-Sterling Films, 1701 N. Fort Myer Drive, Arlington, Virginia 22209. Rental: Free loan.*

Children's Theatre of John Donahue.—16mm color, 28 minutes. Filmmaker D. A. Pennebaker records the activities of the Children's Theatre Company of the Minneapolis Institute of the Arts in the Artists-in-Schools Program. Distribution: Pennebaker, Inc., 56 West 45th Street, New York, New York 10036. Rental: $15.00. Sale: $250.00.

Artist of the Arctic.—16mm color, 14 minutes. Documentary film on the work of the Eskimo artist/craftsman in the schools at Point Barrow, Alaska. Filmmaker: Norman G. Dyhrenfurth. Distribution: Alaska State Council on the Arts, 360 K Street, Suite 240, Anchorage, Alaska 99501.

Michael.—16mm color, 14 minutes. Filmmaker Charles Guggenheim documents sculptor John Raimondi's residency at the Portland Vocational School in Maine. Distribution: Available through your State Arts Agency (see pages 18–20); or National Endowment for the Arts Film Library, c/o Association-Sterling Films, 1701 N. Fort Myer Drive, Arlington, Virginia 22209. Rental: Free loan.*

LIST OF STATE ARTS AGENCIES AND OTHER DESIGNATED COOPERATING ORGANIZATIONS

STATE ARTS AGENCIES

Alabama State Council on the Arts and Humanities, M. J. Zakrzewski, Exec. Director, 449 S. McDonough Street, Montgomery, Alabama 36130 (205) 832–6758.

Alaska State Council on the Arts, Roy H. Helms, Exec. Director, 360 K Street, Suite 240, Anchorage, Alaska 99501 (907) 279–3824 or 272–5342.

American Samoa Arts Council, Palauni M. Tuiasosopo, Chairman, Office of the Governor, Pago Pago, American Samoa 96799.

Arizona Commission on the Arts and Humanities, Mrs. Louise Tester, Exec. Director, 6330 North Seventh Street, Phoenix, Arizona 85014 (602) 271–5884.

The Office of Arkansas State Arts and Humanities, Dr. R. Sandra Perry, Exec. Director, Old State Capitol, 300 West Markham, Little Rock, Arkansas 72201 (501) 371–2539 or 2530.

California Arts Council, Eloise Smith, Exec. Director, 808 "O" Street, Sacramento California 95814 (916) 445–1530.

The Colorado Council on the Arts and Humanities, Robert N. Sheets, Exec. Director, 1550 Lincoln Street, Room 205, Denver, Colorado 80203 (303) 892–2617 or 2618.

Connecticut Commission on the Arts, Anthony S. Keller, Exec. Director, 340 Capitol Avenue, Hartford, Connecticut 06106 (203) 566–4770.

Delaware State Arts Council, Mrs. Sophie Consagra, Exec. Director, Wilmington Tower, Room 803, 1105 Market Street, Wilmington, Delaware 19801 (302) 571–3540.

D.C. Commission on the Arts and Humanities, Leroy Washington, Acting Director, 1023 Munsey Building, 1329 E Street, N.W., Washington, D.C. 20004 (202) 347–5905 or 5906.

Fine Arts Council of Florida, Mrs. Anna Price, Exec. Director, Division of Cultural Affairs, Department of State, The Capitol Building, Tallahassee, Florida 32304 (904) 487–2980.

Georgia Council for the Arts, John Bitterman, Exec. Dir., Suite 1610, 225 Peachtree Street, NE, Atlanta, Georgia 30303 (404) 656–3990.

Insular Arts Council of Guam, Mrs. Louis Hotaling, Director, P.O. Box EK (Univ. of Guam), Agana, Guam 96910, 729–2466.

Hawaii State Foundation on Culture and the Arts, Alfred Preis, Exec. Director, 250 South King Street, Room 310, Honolulu, Hawaii 96813. (808) 548–4145.

Idaho State Commission on Arts and Humanities, Miss Suzanne Taylor, Exec. Director, c/o State House, Boise, Idaho 83720, (208) 384–2119.

Illinois Arts Council, Michele Brustin, Director, 111 North Wabash Avenue, Room 1610, Chicago, Illinois 60602 (312) 793–3520.

Indiana Arts Commission, Janet I. Harris, Exec. Director, Union Title Building, 155 East Market, Suite 614, Indianapolis, Indiana 46204, (317) 633–5649.

Iowa State Arts Council, Jack E. Olds, Exec. Director, State Capitol Building, Des Moines, Iowa 50319, (515) 247–4451.

Kansas Arts Commission, Jonathan Katz, Exec. Director, 117 West Tenth Street, Suite 100, Topeka, Kansas 66612, (913) 296–3335.

Kentucky Arts Commission, Miss Nash Cox, Exec. Director, 100 W. Main Street, Frankfort, Kentucky 40601, (502) 564–3757.

Louisiana State Arts Council, Mrs. E. H. (Lucile) Blum, President, c/o Department of Education, State of Louisiana, P.O. Box 44064, Baton Rouge, Louisiana 70804, (504) 389–6991.

Maine State Commission on the Arts and the Humanities, Alden G. Wilson, Director, State House, Augusta, Maine 04330 (207) 289–2724.

Maryland Arts Council, John Bedeford, Acting Director, 15 West Mulberry, Baltimore, Maryland 21210 (301) 685–7470.

Massachusetts Arts and Humanities Foundation, Inc., Susan Stedman, Exec. Director, 14 Beacon Street, Boston, Massachuetts 02108 (617) 723–3851.

Michigan Council for the Arts, E. Ray Scott, Exec. Director, Executive Plaza, 1200 Sixth Avenue, Detroit, Michigan 48226, (313) 256–3735.

Minnesota State Arts Council, Stephen Sell, Exec. Director, 314 Clifton Street, South, Minneapolis, Minnesota 55403, (612) 874–1335.

Mississippi Arts Commission, Mrs. Lida Rogers, Exec. Director, 301 North Lamar Street, P.O. Box 1341, Jackson, Mississippi 39205, (601) 354–7336.

Missouri State Council on the Arts, Mrs. Emily Rice, Exec. Director, 111 South Bemiston, Suite 410, St. Louis, Missouri 63105 (314) 721–1672.

Montana Arts Council, David E. Nelson, Exec. Director, 235 East Pine, Missoula, Montana 59801, (406) 543–8286.

Nebraska Arts Council, Gerald Ness, Exec. Director, 8448 West Center Road, Omaha, Nebraska 68124, (402) 554–2122.

Nevada State Council on the Arts, James Deere, Exec. Director, 560 Mill Street, Reno, Nevada 89502, (702) 784–6231 or 6232.

New Hampshire Commission on the Arts, John G. Coe, Exec. Director, Phenix Hall, 40 North Main Street, Concord, New Hampshire 03301, (603) 271–2789.

New Jersey State Council on the Arts, Brann J. Wry, Exec. Director, 27 West State Street, Trenton, New Jersey 08625, (609) 292–6130.

The New Mexico Arts Commission, Bernard Blas Lopez, Exec. Director, Lew Wallace Building, State Capitol, Santa Fe, New Mexico 87501, (505) 827–2061.

New York Foundation for the Arts, Inc., Arthur J. Kerr, Exec. Director, 60 East 42nd Street, New York, New York 10017, (212) 986–3140.

North Carolina Arts Council, Halsey North, Exec. Director, N.C. Dept. of Cultural Resources, Raleigh, North Carolina 27611, (919) 829–7897.

North Dakota Council on the Arts and Humanities, Glenn Scott, Program Director, Department of English, North Dakota State University, (701) 237–7143.

Ohio Arts Council, L. James Edgy, Exec. Director, 50 West Broad Street, Suite 2840, Columbus, Ohio 43215, (614) 466–2613.

Oklahoma Arts and Humanities Council, William Jamison, Exec. Director, P.O. Box 53553, 2101 N. Lincoln Blvd., Oklahoma City, Okla. 73105 (405) 521–2931.

Oregon Arts Commission, Peter deC. Hero, Exec. Director, 328 Oregon Building, 494 State Street, Salem, Oregon 97301 (503) 378–3625.

Commonwealth of Pennsylvania Council on the Arts, Otis B. Morse, Exec. Director, 2001 North Front Street, Harrisburg, Pennsylvania 17102 (717) 787–6883.

Institute of Puerto Rican Culture, Luis M. Rodriguez Morales, Exec. Director, Apartado Postal 4184, San Juan, Puerto Rico 00905 (809) 723–2115.

Rhode Island State Council on the Arts, Mrs. Anne Vermel, Exec. Director, 4365 Post Road, East Greenwich, Rhode Island 02818 (401) 884–6410.

South Carolina Arts Commission, Rick George, Exec. Director, 829 Richland Street, Columbia, South Carolina 29201 (803) 758–3442.

South Dakota State Fine Arts Council, Mrs. Charlotte Carver, Exec. Director, 108 West 11th Street, Sioux Falls, South Dakota 57102 (605) 339–6646.

*Borrower pays return postage and insurance only.

Tennessee Arts Commission, Norman Worrell, Exec. Director, 222 Capitol Hill Building, Nashville, Tennessee 37219 (615)741–1701.
Texas Commission on the Arts and Humanities, Maurice D. Coats, Exec. Director, P.O. Box 13406, Capitol Station, Austin, Texas 78711 (512)475–6593.
Utah State Division of Fine Arts, Ruth Draper, Director, 609 East South Temple Street, Salt Lake City, Utah 84102 (801) 533–5895.
Vermont Council on the Arts, Inc., Ellen McCulloch- Lovell, Exec. Director, 136 State Street, Montpelier, Vermont 05602 (802) 828–3291.
Virginia Commission of the Arts and Humanities, Frank R. Dunham, Exec. Director, 1215 State Office Building, Richmond, Virginia 23219 (804)786–4492 or 770–3591.

2. DESIGNATED COOPERATING ORGANIZATIONS

Virgin Islands Council on the Arts, Stephen J. Bostic, Exec. Director, Caravelle Arcade, Christiansted, St. Croix, U.S. Virgin Islands 00820 (809)773–3075, x3.
Washington State Arts Commission, James L. Haseltine, Exec. Director, 1151 Black Lake Boulevard, Olympia, Washington 98504 (206)753–3860.
West Virginia Arts and Humanities Council, Norman Fagan, Exec. Director, State Office Building 6, Rm. B–531, 1900 Washington Street, East, Charleston, West Virginia 25305 (304)348–3711.
Wisconsin Arts Board, Jerold Rouby, Exec. Director, 123 W. Washington Avenue, Madison, Wisconsin 53702 (608)266–0190.
Wyoming Council on the Arts, Michael Haug, Exec. Director, 200 West 25th Street, Cheyenne, Wyoming 82002 (307)777–7742.
Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014 (212)989–1000.
Charles Reinhart Management, Inc., 1860 Broadway, Room 1112, New York, New York 10023 (212)586–1925.
Community Programs in the Arts and Sciences, St. Paul Building, Seventh Floor, Fifth and Wahasha, St. Paul, Minnesota 55102 (612)227–8241.
Educational Futures, Inc., 4508 Regent Street, Philadelphia, Pennsylvania 19143 (215)387–5712.
New York State Poets-in-the-Schools, Inc., 125 King Street, Chappaqua, New York 10514 (914)238–4481.
Regional Film Centers, (Names to be supplied upon request from the Education Program of the Arts Endowment.)

ADDENDUM

In submitting their application for Artists-in-Schools, State Arts Agencies will be formulating a program outline. The format of the program outline is suggested as follows:

FOR EACH COMPONENT

For Each Component, please provide:
1. Description of goals and objectives.
2. Artist selection procedures.
3. School responsibilities, including provision for facilities; personnel (in-school coordinators, etc.); ground transportation (if any) for the artists.
4. Implementation of the component, including planning/orientation workshops and meetings; residencies (length and activities); and coordinator (if any).
5. State Arts Agency role.
6. Other related aspects, such as connection with Manpower Training Program, Elementary and Secondary Education Act, or Emergency School Aid Act.
7. Reporting requirements such format, deadline(s), evaluation.

QUESTIONS

The following questions have been raised in discussions with State Arts Agencies, artists, and Endowment consultants and are listed here in the belief that they may assist the States in the preparation of their program outlines.

1. How does the program outline insure the involvement of the best available professional and practicing artists in the AIS Program under the national guidelines? How does the program outline insure standards and balance by art form consistent with the national guidelines?
2. How does the program avoid concentration in only affluent school districts?
3. How does the program outline insure establishment of State selection parcels (as required) in accordance with the national guidelines?
4. How are matching funds to be secured?
5. How will evaluation be accomplished? (Artists-in-Schools is an artist-oriented program, so evaluation efforts should be tailored to the special nature of the program. Strictly educational criteria may not always accommodate itself to the uniqueness of the Artists-in-Schools program.) What provision is being made for the inclusion of the artists' viewpoint to be included in the evaluation process?
6. What indication is there of concentration on "in-depth" as opposed to "spread" activity?
7. What plan exists to assure follow-up in the second year? (Follow up or take-over funding is an essential ingredient for a good program outline.)
8. What provision is made for a State Artists-in-Schools coordinator? What provision is being made for in-school coordinators at the individual project sites? What provisions will be made for adequate release time for these coordinators? (Locally, someone on site should be able to free the artist from administrative work so he or she can spend the maximum amount of time doing what he or she was brought there to do.)
9. What provision is being made to insure that artists meet together and with school personnel to discuss the program at the inception, mid-term and conclusion of the project?
10. What provision is being made for the orientation of the teachers in the methods and techniques employed by artists?
11. Is the flexibility required for the successful operation of the program provided? (e.g. joining of components, if desired).
12. What joint planning is going on under AIS with State departments of education, local schools, State arts agencies, or other related State groups?
13. How are artists being involved each step of the way in AIS planning along with teachers, coordinators, and administrators to insure that the artists are doing what they want to do and are capable of doing in the schools, and not what someone else thinks might be worthwhile?
14. What provision does the program outline have for avoiding misunderstanding by offering contracts which are carefully negotiated with artists? (Consideration should be given to health and other benefits.)
15. What provision is there for showings of AIS films? What provision for dissemination of evaluation reports?
16. Does the program outline encourage schools to assume a larger amount of cash matching in yearly increments?
17. Does the program outline provide for early notification to the artist of continuation of the residency of the following year?
18. What provision, if any, in the program outline is there for purchase of artists' works through state or local resources?
19. What provision is there in the program outline for accreditation of teacher workshops given by artists?
20. What provision is there in the program outline to assure optimum working spaces for artists?
21. What provision is there in the program outline to explore with administrators the possibilities for allowing artists to work with students for more than the usual class period?
22. What provision is therein the program outline for an exhibition of the work of the resident artist in the school year? (This might help generate support and stimulate community interest in the project.)

[FR Doc.76–17768 Filed 6–18–76;8:45 am]

EXPANSION ARTS

Application Guidelines; Fiscal Year 1978

The following are guidelines for Fellowship Grants made under the Expansion Arts Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Expansion Arts Program Application Deadlines and Grant Calendar is included. Interested persons should contact Vantile Whitfield, Director, Expansion Arts Program, National Endowment for the Arts, Mail Stop 606, Washington, D.C. 20506 (202) 634–6010, for further information and application forms.

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

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

EXPANSION ARTS PROGRAM

INTRODUCTION

The Expansion Arts Program of the National Endowment for the Arts assists, through matching grants, urban, suburban, and rural community arts organizations with proven professional direction. The Expansion Arts Program reflects the Endowment's concern with expanding the involvement of all Americans in the arts, and encouraging the cultural expression of our diverse people as we support excellence and innovation in the arts. This Program's specific responsibility lies with neighborhood and community based programs where citizens have the opportuniy for significant input, involvement, and direction regarding artistic, administrative, and developmental policy; Expansion Arts' concern, therefore, is not generally involved with other kinds of "outreach" programs.

The scope of this Program, especially as it deals with "community based arts projects," tends to combine two elements: professional direction by arts-involved people who have chosen to remain and work in their communities, linked with their deep involvement in the cultural expression and traditions of their neighborhoods, communities, and regions. In essence, Expansion Arts are people arts programs, bold in conception and execution.

The spectrum of activities assisted by the Expansion Arts Program mirror America's unique cultural diversity, and demonstrate the broad scope of the Program's concern. Those activities have sprung from communities of virtually every ethnic group in all regions of the nation—from rural areas and the suburbs, as well as neighborhoods of cities and towns. Expansion Arts has also assisted activities in a variety of special environments, in which the arts are both lacking and needed, such as prisons and hospitals.

2. APPLICATION DEADLINE AND GRANT CALENDAR

Grant category	Deadlines	Announcement of rejection or grant award	Do not plan to start before this date
Instruction and training	Nov. 15, 1976	Sept. 30, 1977	Oct. 1, 1977
Arts exposure	do	do	Do.
State arts agencies	do	do	Do.
Special summer projects:			
Summer of 1977	Oct. 1, 1976	March 1977	May 1, 1977
Summer of 1978	Oct. 1, 1977	March 1978	May 1, 1978
Community cultural centers	Oct. 1, 1976	Sept. 30, 1977	Oct. 1, 1977
Neighborhood arts services	do	do	Do.

In addition to their commitment to the arts as the expression of a peoples' tradition, creativity, and cultural self-awareness, these endeavors are further linked by the production of original and promising works of art; creation of innovative art forms and art-related activities; development of new ways to assimilate new and established art forms; and achievement of educational and social goals through the arts. Because of its interdisciplinary nature and commitment to all classes and ethnic groups, Expansion Arts promotes and encourages cross-cultural exchange.

The Endowment feels that these projects should be encouraged through selective support. In addition, it is hoped that imaginative programming of Endowment funds in this area will point the way for more extensive public, private, foundation, and business support.

Frequently exciting new ideas are developed by visionaries in the field, and by the nature of these activities they may not conform to the present Expansion Arts Guidelines. In order to be able to repond to these developments, which are important for future planning, the Expansion Arts Advisory Panel has recommended that the Expansion Arts Program maintain a degree of flexibility in its planning so that it will have the flexibility to embrace new ideas of merit.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Expansion Arts Program is one of twelve major Program areas. Information about the Endowment and its other Programs is contained in the Endowment's Guide to Programs which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Expansion Arts applicants may be especially interested in the Dance, Federal-State Partnership, Public Media, Special Projects, Theatre, and Visual Arts Programs. March 1976.

3. NOTIFICATION

In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight, and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

4. RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped. (Adopted by the National Council on the Arts, September 15, 1973.)

CATEGORIES OF FUNDING

The following categories of the Expansion Arts Program have been developed in response to the growing needs of the community and neighborhood arts field. In light of the overwhelming number of applications which possess borderline eligibility, the Expansion Arts staff and advisory panel have had to reexamine existing guidelines and develop requirements which reflect the flux and competition occurring in the field. It is important that the Expansion Arts Program develop its structure according to the scope and potential of its projects. Application may be made in one category only. Therefore, applicants are urged to clearly stipulate in Item II of the application form, the category for which funds are being sought (i.e. instruction and Training).

Operating Community Arts Program Development:

Categories listed under this division represent those projects that have one major focus (i.e. training, exhibition, or performances); deal with a single arts discipline (i.e. dance, painting, or music); or take place during a particular time, such as summer projects.

1. INSTRUCTION AND TRAINING

Matching grants to operating community arts projects that specialize in professionally led workshops and classes on a regular basis thereby providing opportunities for creative participation on all levels.

A high standard of artistic achievement and evidence of community financial support and substantial community participation are major considerations in the review of applications.

Eligibility

Organizations must meet the criteria listed on page 7. To be eligible for funding under this category, the specific program for which support is requested, even if it is a component program of an older organization, must fulfill the requirement of having been in operation for at least one year.

Grant Amounts

Matching grants up to $30,000.

Deadline and Announcement Dates

Applications must be postmarked no later than November 15, 1976. Applicants will be notified of approval or rejection no earlier than September 30, 1977. Project should not be scheduled to begin before October 1, 1977.

Application Procedure

Please read the instructions on pages 9–13 and complete the Project Grant Application NEA–3 (Rev). forms and the Application Notification Card. Important supplemental information described on page 9 must also be submitted with the completed forms and card.

2. ARTS EXPOSURE PROGRAMS

Matching grants to community-based arts organizations engaged in activities that provide public presentations (such as performances, exhibits, festivals, etcetera) which are enhanced by preparatory and follow-up workshops for participants.

Many of these projects serve persons denied normal access to cultural events due to geographic, economic, or physical restraints. Also under this category, the Endowment will assist:

Organizations active in programs of cross-cultural exhange between, for example, the old and young, the affluent and non-affluent, and the races;

Arts projects that provide constructive alternatives in drug prevention and rehabilitation;

Arts programs involving convicts in and out of prison;

Community-based cultural research projects on regional and ethnic culture and cultural organizations.

Eligibility

Organizations must meet the criteria listed on page 7. To be eligible for funding under this category, the specific program for which support is requested even if it is a component program of an older organization, must fulfill the requirement of having been in existence for at least three years.

Grant Amounts

Matching grants up to $50,000.

Deadline and Announcement Dates

Applications must be postmarked no later than November 15, 1976. Applicants will be notified of approval or rejection no earlier

than September 30, 1977. Projects should not be scheduled to begin before October 1, 1977.

Application Procedure

Please read the instructions on pages 9–13 and complete the Project Grant Application NEA–3 (Rev.) forms and the Application Notification Card. Important supplemental information described on page 9 must also be submitted with the completed forms and card.

3. SPECIAL SUMMER PROJECTS

Matching grants to assist outstanding professionally-directed projects taking place exclusively during the summer that provide training, and/or active participation in one or more art forms.

A high standard of artistic achievement and evidence of substantial community support and input are major considerations in the review of applications.

Eligibility

Organizations must meet the criteria listed on page 7. To be eligible for funding under this category, a project must have been conducted at least once before. Grantees receiving year-round support under other categories are not eligible to reapply under Special Summer Projects.

Grant Amounts

Matching grants up to $20,000.

Deadline and Announcement Dates

Applications for projects to take place during the Summer of 1977 must be postmarked no later than October 1, 1976. Applicants will be notified of approval or rejection no earlier than March 1977. Projects should not be scheduled to begin before May 1, 1977.

Applications for projects to take place during the Summer of 1978 must be postmarked no later than October 1, 1977. Applicants will be notified of approval or rejection no earlier than March 1978. Projects should not be scheduled to begin before May 1, 1978.

Application Procedure

Please read the instructions on pages 9–13 and complete the Project Grant Application NEA–3 (Rev.) forms and the Application Notification Card. Important supplemental information described on page 9 must also be submitted with the completed forms and card.

4. STATE ARTS AGENCIES—EXPANSION ARTS

Matching grants to state arts agencies with demonstrated financial resources and plans for support of Expansion Arts activities. The purpose of this category is to assist state arts agencies to explore and expand their Expansion Arts programming in such areas as advocacy, coordination and neighborhood arts services.

Eligibility

Grants are awarded to official state arts agencies. Two or more state arts agencies may apply as a regional group.

Grant Amounts

Matching grants up to $20,000.

Deadline and Announcement Date

Applications must be postmarked no later than November 15, 1976. Applicants will be notified of approval or rejection no earlier than September 30, 1977. Projects should not be scheduled to begin before October 1, 1977.

Application Procedure

Each state arts agency may explore its involvement with Expansion Arts in these areas on the basis of its own individual circumstances regarding Expansion Arts programming emphasis and goals. Official application should be made following preliminary discussions which are satisfactory to both the state arts agency and the Expansion Arts Program.

The Expansion Arts Program will coordinate the review of such proposals with the Federal-State Partnership Program. Grants for staff support and development will ultimately be made by the Federal-State Program under its Program Development category. Discussions regarding program development for Expansion Arts activities should be initiated with the Expansion Arts Program and initial review will be by that Program.

Community Institutions.—Categories listed under this division represent those projects whose activities and budgets reflect institutional status. Projects funded under these categories represent community institutions that are comparable to other cultural institutions such as museums, theaters and orchestras primarily because of the quality of their arts programming; the impact of the daily services they provide, including training, public presentations, and cultural enrichment; and also because of their regional or national importance.

5. COMMUNITY CULTURAL CENTERS

Matching grants to assist major multi-art, community-based institutions which are prototypical successes of community arts and which may serve as models for other organizations throughout the nation.

Projects under this category must offer training and participation in two or more art forms, as well as performing or exhibiting experiences. Uniqueness, extensiveness and quality of the arts programming are the major considerations in the review of applications.

Eligibility

To be eligible under this category, a community cultural center must meet the criteria on page 7, and have had a continuing program in at least two art forms for at least three years.

Grant Amounts

Matching grants up to $50,000.

Deadline and Announcement Dates

Applications must be postmarked no later than October 1, 1976. Applicants will be notified of approval or rejection no earlier than September 30, 1977. Projects should not be scheduled to begin before October 1, 1977.

Application Procedure

Please read the instructions on pages 9–13 and complete the *Project Grant Application NEA–3 (Rev.)* forms and the Application Notification Card. Important supplemental information described on page 9 must also be submitted with the completed forms and card.

6. NEIGHBORHOOD ARTS SERVICES

Matching grants to assist organizations that provide administrative, developmental, promotional and programmatic services for a broad variety of operating community arts groups.

Services would include such aid as equipment loans, publicity, sponsorship of activities, assistance in dealing with real estate, fundraising, accounting, legal matters and the like. Please note that funds in this category are not to provide sub-grants but rather to provide services to community arts groups.

Eligibility

To be eligible under this category, an organization must meet the criteria on page 7 and be able to document that it provides and has provided for at least three years these services to a broad variety of operating community arts gorups.

Grant Amounts

Matching grants up to $50,000.

Deadline and Announcement Dates

Applications must be postmarked no later than October 1, 1976. Applicants will be notified of approval or rejection no earlier than September 30, 1977. Projects should not be scheduled to begin before October 1, 1977.

Application Procedure

Please read the instructions on pages 9–13 and complete the Project Grant Application NEA–3 (Rev.) forms and the Application Notification Card. Important supplemental information described on page 9 must also be submitted with the completed forms and card.

7. REGIONAL TOUR-EVENTS

8. PILOT: COMMUNITY ARTS CONSORTIA

To bring together community arts groups of all types from a designated mini-region to a central site at a scheduled time to present festival-type events coordinated by a local sponsor such as a state or community arts agency.

The tour-event program enables a limited number of community groups of outstanding quality to reach areas in their regions heretofore without such exposure, and to encourage young people in particular to persue goals similar to those achieved by the groups they see. Characteristic of all tour-events are such things as display and demonstration booths, several small stages for performing arts activities, and a Main Stage highlighting performances of particular interest.

Participants in this program will be chosen from among those supported under the other categories and upon recommendation of excellence by state arts agencies or local area sponsors. Therefore, applications are not to be made in this specific category.

A limited number of matching grants to assist consortia of two or more community-based arts programs that share their financial development, administration, technical and promotional resources while maintaining artistic and programmatic autonomy.

In reviewing applications for support under this pilot category, particular attention will be paid to the previous history of the groups forming the consortium, the involvement of community residents in the activities of the groups and the accessibility of the project.

Grant Amounts

Negotiated grants will include in most cases all support from Expansion Arts Program for the members of a consortium. Grants will take into consideration current support received by members of the consortium.

Application Procedure

Groups considering such an arrangement should first have preliminary conversations among themselves. Negotiations with the Expansion Arts Program should then be initiated to determine the feasibility of support.

APPLICATION INFORMATION

ELIGIBILITY

For Organizations:

By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

1. Organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal

Revenue Code of 1954, as amended. A copy of the Internal Revenue Service Determination letter for tax-exempt status (under Section 501) must be submitted with each application.

In special cases, when tax-exempt status has not been attained by an otherwise qualified applicant group, sponsorship of the project by a related organization which has attained tax-exemption may be acceptable to the Endowment. The sponsoring organization must maintain a close working relationship with the group, as part of its own purposes as defined in its application for tax-exemption. It must undertake, and be able to provide, full and accurate accounting of the ways in which grant funds are expanded. In this capacity, professional organizations which are not themselves community-based, but which provide advisory services or other assistance to community-based organizations, may be given grants.

2. Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabiiltation Act of 1973, as amended, which bar discrimination in federally assisted projects on the basis of race, color, national origin or handicap. Individuals or organizations receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance Form. The form on page 29 may be removed and completed for this purpose.

3. Organizations which compensate all professional performers, related or supporting professional personnel, laborers and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment or the Arts.

4. Although there are many outstanding community programs in which activities are one of several components, the Expansion Arts Program generally funds only those groups whose primary concern is with the arts and arts-related activities.

More specifically, eligibility generally is restricted to arts organizations which meet the following requirements:

Are professionally directed and community-based;

Have demonstrated a commitment to pursuit of the highest level of artistic achievement;

Have demonstrated high standards of performance and administrative ability; and

Have been in operation for at least one year for instruction and Training and Special Summer Projects and for at least three years for Arts Exposure Program, Neighborhood Arts Services and Community Cultural Centers.

2. GRANT AMOUNTS

Organizations may apply for *no more* than the maximum amounts listed:

Arts exposure programs	$50,000
Special summer projects	20,000
Instruction and training	30,000
Community cultural centers	50,000
Neighborhood arts services	50,000

For the following categories grant amounts are negotiable: Regional Tour Events, State Arts Agencies—Expansion Arts, Pilot: Community Arts Consortia.

NOTE.—In most cases, grants will be for less than the maximum amounts listed above. Organizations are advised to apply for what they need to carry out the proposed project and can match at least dollar for dollar.

Grants to organizations, with few exceptions, must be matched at least dollar for dollar with non-federal funds. Expansion Arts Program grants generally will provide no more than 50% of the total project budget, and no more than 25% of any organization's total annual budget. The required matching (50% of a total project) should be from cash contribution or earned income where possible. Generally where in-kind matching is used it may not exceed 25% of the total matching funds. (12% of the total cost of the project).

3. METHODS OF FUNDING

Program Funds Method

Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Project Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs. Example:

$30,000	Applicant requests from the Endowment.
30,000	Applicant provides match of at least.
$60,000	Minimum total budget of project.

Treasury Fund Method

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other nonfederal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows nonfederal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increase sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Gifts to the Endowment are generally deductible for federal income, estate, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guidelines—organizations such as as a museum, a symphony orchestra, a dance, opera or theatre company—or for an Endowment program, such as fellowships, touring conferences, or workshops.

When a restricted gift is received, it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the amount and conditions of the grant, as recommended by the National Council on the Arts and approved by the Chairman.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a Treasury Fund Grant is Arranged

Those interested in giving for a specific purpose should note the step by step process described below.

1. If a project is eligible for consideration under the Expansion Arts Program guidelines the applicant submits to the Endowment a formal application which may include a list of potential donors.

2. The application is reviewed first by the Expansion Arts Advisory Panel and then by the National Council on the Arts and is recommeded for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the applicant.

3. If the grant award is approved, the applicant then requests that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e. the name of the applicant and specific project supported), and date by which payment will be made to the grantee organization (see below).

Handling Procedures

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method, the following procedures apply:

1. Gift transmittal letter is received by the Endowment from donor with above specified information.

2. Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

In the case of individual gifts of less than $5,000, grantee will forward to the Endowment, a list of donors' names, addresses, and amounts received, certified by an official of the organization and notarized.

3. In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence, such as benefit announcement circulars, invitations, posters, etcetera (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching funds, signed by an appropriate official, certifying that the benefit was held on a specified date, yielded a specified sum for Treasury Fund gift purposes related to the grant in question, and that evidence of the benefit will be retained by grantee organization in its files.

4. In all cases, donors are to make payment on gifts at least 60 days prior to termination of the grant period, and grantee organizations will provide the Endowment with evidence of receipt of payment on gifts at least 30 days prior to the termination of the grant period.

The Process in Terms of Money

$25,000	Donor's contribution(s) to Endowment.
$25,000	Endowment match from the Treasury Fund.
$50,000	Total Endowment grant.
$50,000	Grantee's additional project cost.
$100,000	Minimum total budget of project.

4. REVIEW CRITERIA, REVIEW PROCESS

All applications will be reviewed by the Expansion Arts staff, the Expansion Arts Advisory Panel, and by the National Council on the Arts according to the following criteria:

Merit of the project;
Organizational stability;
Capacity to achieve objectives;
Constituency served by the organization;
Demonstrated need for support requested; and
Capacity of the organization to raise funds in addition to those provided by the Endowment.

The review process is as follows:

1. The Expansion Arts staff reviews applications including supplementary information sheets.

2. Applications are then referred to the Expansion Arts Advisory Panel and subsequently to the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman, the Endowment will notify applicants of its decision by letter.

3. Applicants receiving a grant will receive a grant letter and an acceptance copy. The grantee signs and returns to the Endowment the acceptance copy and a Labor Assurance Form.

4. The initial payment is usually sent approximately one month after the Endowment's receipt of the signed acceptance and the completed Cash Request Form. The grantee designates on the Cash Request Form the amount desired in the initial payment for a period of time to be specified, in accordance with the Endowment's General Grant Provisions. Succeeding payments are spread throughout the remainder of the grant period. Details in this regard are communicated in the grant award letter.

5. SUPPLEMENTARY INFORMATION

Applicant must submit the following supplementary information with the application signed by the Director of the organization. Without the supplementary information, applications will not be considered complete and will not be processed. Attach one complete set of all the following information/support materials to your application (3 copies) and mail to: Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, D.C. 20506.

Supplementary Information should include the following:

1. General Information:

Name of Organization; Director; Address; Phone; How long in existence; Purpose (be brief); and Activities (be brief).

2. Fiscal Information:

What is your fiscal year? Total budget for current fiscal year. List funding sources and amounts for current fiscal year. Estimate monthly operating costs. List funds currently on hand (estimate). Total budget for the past fiscal year. List funding sources and amounts for past fiscal year. List previous Endowment support, amount, year, and Endowment program under which grant was received.

3. Information on Project for which assistance is requested:

Project Title; Length of time in operation; Project address (if different from organization address); Project telephone number (if different from organization number); Project Director (if different from organization director).

6. INSTRUCTIONS FOR COMPLETING APPLICATION FORM

If after careful review of these guidelines, you feel that your project falls within the scope of the Expansion Arts Program, please complete the Project Grant Application NEA–3 (Rev.) forms on pages 15–26 and the Application Notification Card and submit them with the required supplemental information to: Grants Office (Mail Stop 500); National Endowment for the Arts; Washington, D.C. 20506.

Forms and supplemental information must be submitted in triplicate.

Please use the check list at the end of the application form to be certain that you have supplied all the information necessary for prompt processing and consideration of your application. Failure to do so will result in unavoidable delays that may adversely affect consideration of your proposal.

Instructions on the following pages are keyed to the appropriate sections of the application form.

4. Support Materials (To be attached to application and above information):

Brief resumes or biographies of key staff on the project. Letters or other written evidence of support for your proposal from community leaders, art professionals, public officials, etc. (at least two). Press clippings on your project or organization (if available).

[FR Doc.76–17767 Filed 6–18–76;8:45 am]

National Endowment for the Arts

ARCHITECTURE + ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Architecture + Environmental Arts Advisory Panel to the National Council on the Arts will be held on July 22–23, 1976 from 9:30 a.m.–5:30 p.m. in room 1133 of the Columbia Plaza Office Building, 2401 E. Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–17954 Filed 6–18–76;8:45 am]

DANCE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held on July 19–20, 1976 from 9:30 a.m.–5:30 p.m. and on July 21–22, 1976 from 9:00 a.m.–6:00 p.m. at Bennington College in Bennington, Vermont.

A portion of this meeting will be open to the public on July 19 from 9:30 a.m.–5:30 p.m. and on July 22 from 9:00 a.m.–6:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) Program relationships with the Music Program (2) Program Policy and Guidelines.

The remaining sessions of this meeting on July 20 from 9:30 a.m.–5:30 p.m. and on July 21 from 9:00 a.m.–6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–17955 Filed 6–18–76;8:45 am]

MUSIC ADVISORY PANEL (PLANNING)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Music Advisory Panel (Planning) to the National Council on the Arts will be held on July 17–19, 1976 from 9:30 a.m.–5:30 p.m. at Bennington College in Bennington, Vermont.

A portion of this meeting will be open to the public on July 17 from 2:00 p.m.–5:30 p.m., July 18 from 9:30 a.m.–5:30 p.m. and on July 19 from 9:30 a.m.–5:30 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include (1) Program directions and priorities (2) Panel and Program Operations (3) Program relationships with the Dance Program.

The remaining sessions of this meeting on July 17 from 9:30 a.m.–12:45 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June

16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–17956 Filed 6–18–76;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on July 16, 1976 from 9:00 a.m.–6:00 p.m. in the Screening Room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202 634–6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–17957 Filed 6–18–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

BIG ROCK POINT PLANT

Technical Specifications of License No. DPR–6

NEGATIVE DECLARATION

The Nuclear Regulation Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR–6. These changes would authorize the Consumers Power Company (the licensee) to operate the Big Rock Point Plant (located in Charlevoix County, Michigan) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with refueling with additional 11x11 fuel.

The U.S. Nuclear Regulatory Commission, Division of Operating Reactors, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR–6, Big Rock Point Plant, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dated at Bethesda, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–17985 Filed 6–18–76;8:45 am]

[Docket No. 50–155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–6, issued to the Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation (1) using modified operating limits based on an acceptable ECCS evaluation model that conforms with Section 50.46 of 10 CFR Part 50, (2) with uranium 235 fuel assemblies identified as G–1U Reload, (3) with a new Reactor Depressurization System, and (4) with an Integrated Leak Rate Test surveillance frequency in conformance with 10 CFR 50 Appendix J.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (1) above was published in the FEDERAL REGISTER on September 12, 1975 (40 FR 42407). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on item (1) above. Prior public notice of items (2), (3), and (4) above was not required since these actions do not involve a significant hazards consideration.

In connection with the issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal for item (1) above. In connection with the approval of items (2), (3) and (4) above, the Commission has determined that these actions will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these approvals.

For further details with respect to this action, see (1) the applications for amendment dated July 25, 1975 (with supplements dated August 22, 1975, September 8, 1975, November 26, 1975, February 4, 1976, February 27, 1976, March 26, 1976, April 30, 1976, May 10, 1976 and May 11, 1976) October 13, 1975 (with supplements dated April 28, 1976 May 11, 1976 and May 25, 1976), December 5, 1975, and August 15, 1974 (with supplements dated November 14, 1974, December 17, 1974, March 10, 1975, April 29, 1975 and October 9, 1975), (2) Amendment No. 10 to License No. DPR–6, (3) the Commission's concurrently issued related Safety Evaluation, and (4) The Commission's Negative Declaration dated May 25, 1976 (which is also being published in the FEDERAL REGISTER), and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of June 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–17984 Filed 6–18–76;8:45 am]

[Docket Nos. STN 50-491, STN 50-492, STN 50-493]

DUKE POWER CO. CHEROKEE NUCLEAR STATION, UNITS 1, 2, AND 3

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision as to Environmental and Site Suitability Issues dated May 21, 1976, by the Atomic Safety and Licensing Board in the above-captioned proceeding is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and at the Cherokee County Library, 300 East Rutledge Avenue, Gaffney, South Carolina.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation relating to the proposed construction of the Cherokee Nuclear Station, Units 1, 2, and 3.

Pursuant to the provisions of Section 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by Section 51.52(b)(3) of 10 CFR Part 51, a copy of the Partial Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies and persons in accordance with Section 51.26(c) of 10 CFR Part 51.

The Partial Initial Decision and the Final Environmental Statement are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Cherokee County Library, 300 East Rutledge Avenue, Gaffney, South Carolina. Copies of the Final Environmental Statement (Document No. NUREG-75/089) may be purchased, at a cost of $7.25 for printed copies and $2.25 for microfiche, from the National Technical Information Center, Springfield, Virginia 22161.

Single copies of the Partial Initial Decision may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 15th day of June 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 3 Division of Site Safety and Environmental Analysis.

[FR Doc.76-17987 Filed 6-18-76;8:45 am]

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Issuance of Amendment to License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to License No. DR-10 issued to General Electric Company for maintenance of the deactivated ESADA Vallecitos Experimental Superheat Reactor (the facility), located at the Vallecitos Nuclear Center, Alameda County, California. The amendment is effective as of its date of issuance.

The amendment extends the expiration date of the license until January 26, 2016. The facility is defueled and the license permits the licensee to possess, but not operate the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1976, as supplemented April 14, 1976, (2) Amendment No. 3 to License No. DR-10, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of June 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-17986 Filed 6-18-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, an IAEA draft Safety Guide, SG-02, "In-service Inspection," has been developed, and the NRC staff is soliciting comments on the Guide from the U.S. public. An IAEA Working Group, consisting of Mr. G. Messore of Italy, Mr. K. Nanjundeswaran of India, Mr. M. Pakan of Czechoslovakia and Mr. L. Chockie (General Electric Company) of the United States of America developed this draft from an IAEA collation during a meeting that was held in Vienna, Austria on May 10-21, 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Committee on Operation at a meeting in Vienna, Austria on July 26, 1976. In order to have them in time for the July 1976 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by July 15, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 7th day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-17988 Filed 6-18-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the fol-

lowing way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, an IAEA draft Safety Guide, SG–QA2, Quality Assurance Record System, has been developed, and the NRC staff is soliciting comments on the Guide from the U.S. public. An IAEA Working Group, consisting of Mr. W. Fuerste of the Federal Republic of Germany and Mr. H. F. Dobel (Babcock and Wilcox Corporation) of the United States of America developed this draft from an IAEA collation during a meeting that was held in Vienna, Austria on May 17–21, 1976.

As the next step in its development, this draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Committee on Quality Assurance at a meeting in Vienna, Austria on July 5–9, 1976. In order to have them in time for the July 1976 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by June 30, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 8th day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76–17989 Filed 6–18–76;8:45 am]

[Docket No. 50–277]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR–44 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2. The amendment is effective as of its date of issuance.

The amendment will modify the provisions in the Technical Specifications to authorize operation with (1) up to 188 GE 8 by 8 reload fuel assemblies, (2) four Lead Test Assemblies, (3) twelve developmental fuel channels, (4) holes drilled in the lower tieplate of all reload 8 by 8 fuel bundles, and (5) a modified rod sequence control system.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on April 26, 1976 (41 FR 17435). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 22, 1976 and May 13, 1976, and supplement dated May 7, 1976, (2) Amendment No. 23 to License No. DPR–44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of June, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–17990 Filed 6–18–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON FIRE PROTECTION

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Fire Protection will hold a meeting on July 7, 1976, in Room 1167, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting will be to review a proposed Regulatory Guide on Fire Protection.

The agenda for the subject meeting shall be as follows:

Wednesday, July 7, 1976, 1:00 p.m.

Members of the Working Group will meet in closed Executive Session, with any of their consultants who may be present, to explore their preliminary opinions regarding matters which should be considered during the open session so that the Working Group can prepare recommendations to the NRC Staff.

1:30 p.m. until conclusion of business

The Working Group will meet in open session to discuss with representatives, of the NRC Staff and their consultants, if any, the proposed Regulatory Guide on Fire Protection.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters indentified in the initial closed session have been adequately covered. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 30, 1976 to Mr. R. L. Wright, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 6, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1919, Attn: Mr. Robert L. Wright) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Robert L. Wright of the ACRS Office, prior to the beginning of the meeting.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 14, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H St., N.W., Washington, DC 20555 after October 7, 1976.

Date: June 15, 1976.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.

[FR Doc.76–18106 Filed 6–20–76;8:45 am]

REACTOR SAFEGUARDS ADVISORY COMMITTEE; SUBCOMMITTEE ON THE NORTH ANNA POWER STATION, UNITS 1 AND 2

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the North Anna Power Station, Units 1 and 2 will hold a meeting on July 7, 1976 in Room 1046, 1717 H St., NW., Washington, D.C. 20555. The purpose of this meeting is to commence ACRS review of the application of the Virginia Electric and Power Company for a license to operate Units 1 and 2.

The agenda for subject meeting shall be as follows:

Wednesday, July 7, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the proposed operation of the nuclear unit.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Virginia Electric and Power Company, and their consultants, and the Sun Shipbuilding and Dry Dock Company, and to hold discussions with these groups pertinent to this review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individual's advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 30, 1976 to Mr. R. Muller, ACRS, NRC, Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555; at the Louisa County Courthouse, Office of the County Administrator, Board of Supervisors, Louisa, VA 23093; and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, VA 22901.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 6, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be

confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 14, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555, at the Louisa County Courthouse, Office of the County Administrator, Board of Supervisory, Louisa, VA 23093, and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, VA 22901.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after October 7, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 15, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-17981 Filed 6-18-76;8:45 am]

REACTOR SAFEGUARDS ADVISORY COMMITTEE; WORKING GROUP ON SAFETY OF OPERATING REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Working Group on Safety of Operating Reactors will hold a meeting on July 7, 1976 in Room 1062, 1717 H Street, N.W., Washington, DC 20555. This meeting will be closed to the public.

The Working Group will meet in closed session with members of the NRC Staff and NRC Staff consultants, if any, to consider potential requirements for the periodic review of operating reactors. In connection with this matter, the Working Group may hold executive sessions not open to either the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than June 30, 1976, to Mr. John C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this session which will consist of a discussion of preliminary views on this matter and an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption 5 of 5 U.S.C. 552(b). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with the Subcommittee and Agency operation.

Dated: June 15, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-17982 Filed 6-18-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records; Minor Amendments

On October 1, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 45332) notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

The amendments of the NRC Systems of Records set forth below delete the references to "Division of Administrative Operations" and substitute therefor "Division of Document Control" in NRC-7, Division of Administrative Operations Workload Assignment and Production Records—NRC; and NRC-38, Mailing Lists—NRC. The amendments also delete the references to "Division of Administrative Operations" and substitute therefor "Division of Facilities and Operations Support" in NRC-12, Government Motor Vehicle Operators License File—NRC; NRC-17, Occupational Injuries and Illness Reports—NRC; and NRC-36, Employee Locator Records Files—NRC.

The amendments also designate the Matomic Building, 1717 H Street, N.W., Washington, D.C. as an additional secondary storage location for the records in NRC-4, Conflict of Interest Files—NRC.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of title 5 of the United States Code, the following amendments to the Notices of Systems of Records are published as a document subject to publication in the annual compilation of Privacy Act documents.

1. NRC Systems of Records NRC-7 and NRC-8 are amended by deleting "Division of Administrative Operations" and inserting in lieu thereof "Division of Document Control".

2. NRC Systems of Records NRC-12, NRC-17, and NRC-36 are amended by deleting "Division of Administrative Operations" and inserting in lieu thereof "Division of Facilities and Operations Support".

3. In NRC System of Records NRC-4, the item entitled "Duplicate systems" is revised to read as follows:

NRC-4

System name: Conflict of Interest Files—NRC.

* * * * *

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(b), (c), (e), (f), and (i).

Effective date: These amendments to the Notices of Systems of Records become effective on June 21, 1976.

Dated at Bethesda, Maryland, this 9th day of June 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-17979 Filed 6-18-76;8:45 am]

[Docket No. 50-287]

DUKE POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-55, issued to Duke Power Company (the licensee) for operation of the Oconee Nuclear Station, Unit No. 3 (the facility), located in Oconee County, South Carolina.

The amendment would delete the time restrictions limiting the first core of Oconee Unit No. 3 to a maximum number of Effective Full Power Hours.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 21, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to

Mr. Troy B. Conner, Conner & Knotts, 1747 Pennsylvania, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated April 16, 1976 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina.

Dated at Bethesda, Maryland, this 17th day of June 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-18205 Filed 6-18-76;10:34 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 8–10, 1976, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, JULY 8, 1976

8:30 a.m.–9:30 a.m.: Executive Session (Closed)—The Committee will meet in closed executive session to exchange and discuss the personal opinions of individual members leading to the formulation of advice regarding procedures for improved communications and early participation in predecisional matters and proposed inquiries regarding ACRS recommendations and reports. The Committee will also discuss the personal opinions and recommendations of individual members and consultants who may be present regarding the request for an Operating License for the Diablo Canyon Nuclear Power Station Units 1 & 2.

9:30 a.m.–1:30 p.m.: Diablo Canyon Nuclear Power Station Units 1 & 2 (Open)—The Committee will meet with representatives of the Pacific Gas & Electric Company and the NRC Staff to hear presentations and hold discussions regarding the application for operation of this Station. Discussion will be based primarily on consideration of the site seismicity and seismic design criteria for the plant. Portions of this session will be closed if necessary to discuss proprietary information related to the design, construction and/or operation of this facility. Closed portions will also be held if required to discuss security arrangements for this station and for Committee deliberative sessions.

2:30 p.m.–3 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to discuss the personal opinions and recommendations of individual members and consultants who may be present regarding the request for Preliminary Design Approval of the Westinghouse Electric Corporation Reference Safety Analysis Report (RESAR–3S).

3 p.m.–6:30 p.m.: Westinghouse Electric Corporation Reference Safety Analysis Report (RESAR–3S) (Open)—The Committee will meet with representatives of the Westinghouse Electric Corporation and the NRC Staff to discuss the request for Preliminary Design Approval of the Westinghouse Electric Corporation Standard Safety Analysis Report (RESAR–3S). Portions of this session will be closed if necessary to discuss proprietary information related to the design, construction and/or operation of this type plant. Closed portions will also be held if required to discuss security arrangements for this type plant and for Committee deliberative sessions.

6:30 p.m.–7:30 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to exchange and discuss the personal opinions of individual members leading to recommendations regarding proposed procedures for conduct of ACRS activities, to discuss a proposed position regarding ACRS review of the Fort St. Vrain Nuclear Reactor and to discuss proposed policy regarding review of the Energy Research and Development Administration and other nuclear facilities.

FRIDAY, JULY 9, 1976

8:30 a.m.–9:45 a.m.: Executive Session (Closed)—The Committee will meet in closed executive session with the Executive Director for Operations to discuss proposed procedures for improved communications between the ACRS and the NRC Staff regarding resolution of outstanding generic items. The Committee will also exchange and discuss the personal opinions and recommendations of individual members and consultants who may be present regarding the proposed construction of the Clinch River Breeder Reactor.

9:45 a.m.–12:30 p.m.: Meeting with NRC Staff (Open)—The Committee will meet with members of the NRC Staff to hear presentations and hold discussions regarding:

Recent Reactor operating experience and licensing actions.

Resolution of generic items related to light water reactors.

1:30 p.m.–5:30 p.m.: Clinch River Breeder Reactor (Open)—The Committee will meet with representatives of the Clinch River Breeder Reactor Project Office and the NRC Staff to hear presentations and hold discussions regarding the request for construction of this project. Portions of this session will be closed if necessary to discuss proprietary information related to the design, construction and/or operation of this facility. Closed portions will also be held if required to discuss security arrangements for this station and for Committee deliberative sessions.

5:30 p.m.–6:30 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to discuss the Subcommittee evaluation of proposed Regulatory Guides and proposed candidates for appointment to the ACRS.

6:30 p.m.–7:30 p.m.: Modifications and Addition to Reactor Facility (MARF) (Closed)—The Committee will hold discussions with representatives of the ERDA Division of Naval Reactors & NRC Staff related to the proposed operation of the MARF. This session will consider information classified as Confidential Restricted Data and will therefore be closed to the public.

SATURDAY, JULY 10, 1976

8:30 a.m.–4:30 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to discuss proposed Committee reports related to items considered at this meeting including the hypothetical core disruptive accident for LMFBR's and the Koshkonong Nuclear Plant. Members of the Committee will exchange and discuss preliminary opinions of individual members related to the underground siting of nuclear plants, proposed seismic criteria, and safety related aspects of mixed-oxide fuel.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close portions of the meeting as noted above to protect classified information (5 U.S.C. 552(b)(3)) and proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants

during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting.

Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 30, 1976, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the following Public Document Rooms:

Diablo Canyon

San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

Clinch River Breeder Reactor

1. Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830.
2. Lawson McGhee Public Library, 500 W. Church Street, Knoxville, TN 37902.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on July 7, 1976, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 a.m. and 5 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on July 7, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., on or after October 8, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–18177 Filed 6–18–76;11:10 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on July 7, 1976 in Room 1062, 1717 H Street, N.W., Washington, D.C. 20555. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, July 7, 1976, 9:00 a.m. until about 11:00 a.m. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

(1) Regulatory Guide 1.88, Revision 1, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records."

(2) Regulatory Guide 1.90, Revision 1, "Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons."

(3) Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants."

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 11:00 a.m. to consider matters related to the above reviews. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed sessions with the NRC Staff and any consultants at about 11:00 a.m. until the close of business to discuss the following working papers:

(1). Regulatory Guide 1.39, Revision 1, "Housekeeping Requirements for Water Cooled Nuclear Power Plants."

(2). Regulatory Guide 1.XXX, "Quality Assurance Requirements for Control of Procurement of Items and Services for Nuclear Power Plants."

This portion of the meeting may include Executive Sessions both before and after the closed sessions with the NRC Staff.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process and that other closed sessions will be held to discuss and exchange views on working papers (5 U.S.C. 552 (b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory

Guides 1.88, 1.90 and 1.101 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 30, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 6, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 14, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after October 7, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-18176 Filed 6-18-76;11:10 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 14, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Assessment of Assistance Provided by ACTION Technical Assistance Demonstration Project, 76E-001, single-time, volunteer organization/groups in four U.S. States, Reese, B. F., 395-3211.

DEPARTMENT OF COMMERCE

Bureau of Census, National Content Test Content Reinterview Schedule, Supplements (2) and Flashcard, DG-800, 801, DG-802, 803, single-time, probability sample of a household in United States, Maria Gonzalez, 395-6132.

DEPARTMENT OF DEFENSE

Defense Supply Agency, Request for Assignment of Federal Supply Code for Manufacturer/Contractor, on occasion, contractors with which services/agencies conduct business, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Revision of Memorandum of August 1975, About Recordkeeping on Student Discipline Procedures, OS-12-76, single-time, State educational agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Study of County Law Enforcement Agencies, single-time, county law enforcement agencies, George Hall, 395-6140.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

Drawback Notice, 7514, on occasion, exporters, carriers, Caywood, D. P., 395-3443.

Application for Customhouse Broker's License, 3124, on occasion, persons wanting customhouse broker's licenses, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Guidelines for Submission of Projected Capital Expenditures, single-time, all class I railroads, economics and general Government division, Raynsford, R., 395-3451.

Federal Highway Administration, Essential Interstate Segments, single-time, State highway departments, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for United States Flag for Burial Purposes, VA-07-2008, on occasion, relatives and friends of deceased veterans, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Contractor's Cumulative Claims and Reconciliation, EPA4700-4, on occasion, R. & D. type contractors, Ellett, C. A., 395-5867.

DEPARTMENT OF DEFENSE

Defense Supply Agency, Contractor Bulk Liquid Facilities Report, annually, petroleum suppliers, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Pretest of 1977 Health Interview Survey Questionnaire, NCHS 1014, other (see SF-83), sample of households in several locations, Richard Eisinger, 395-6140.

Office of Education, Progress Report, BEOG Program, OE Form 255, on occasion, institutions participating in BEOG program, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Petition for Adjustment Assistance, ILAB 20, on occasion, workers at firms injured by import competition, Laverne V. Collins, 395-5867.

REVISIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs, Drawback Entry, CF-7573, on occasion, exporters, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Application for Meat Grading or Acceptance Service, LS-313, on occasion, meat packing and processing firms, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Student Validation Roster, OE 255-4, annually, institutions participating in BEOG program, Marsha Traynham, 395-4529.

Social and Rehabilitation Service, Statistical Report on Numbers of Recipients and Amounts of Assistance Under Public Assistance Programs, FS 2078, monthly, 54 State Public Assistance agencies, Kathy Wallman, 395-6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-18099 Filed 6-18-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 15, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable: the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Departmental and other: A survey of dispersed recreationists on three forest road systems in Washington and Oregon, single-time, recreationist in dispersed road areas, Maria Gonzalez, 395-6132.

Farmer Cooperative Service: Financial structure of farmer cooperatives, single-time, farmer cooperative financial officers, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census: Privacy and Confidentiality Opinion Survey, Privacy and Confidentiality Objective Survey, PCS-100, 200, single-time, national probability sample of households, Hulett, D. T., 395-4730.

DEPARTMENT OF LABOR

Departmental and other:

Analyzing the Impact of Mandatory Registration on U.S. Employment Service Performance, MT-276-A, B, C, single-time, ES registrants, Strasser, A., 395-5867.

Job Search and Relocation Assistance Pilot Project, MT-279, other (see SF-83), participants in JSRA, Strasser, A., 395-5867.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:

Special Recreation and/or Land Use Application and Permit, 2920-4, on occasion, applicants for permits, Lowry, R. L., 395-3772.

Village Selection Application and Native Group Selection Application 2650-5, on occasion, Alaskan Natives, groups, villages and regional corporations, Lowry, R. L., 395-3772.

REVISIONS

PENSION BENEFIT GUARANTY CORPORATION

Premium and Annual Report Filing, PBGC-1, annually, plan administrators of defined benefit pension plans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Report of Child Nutrition Operations, FNS-10, monthly, schools and State agencies, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF DEFENSE

Departmental and other:

Certificate pertaining to Foreign Interest, DD4415, on occasion, industrial, commercial, educational, or other entities, Lowry, R. L., 395-3772.

Defense Small Business Subcontracting Program Quarterly Report, DO1140-1, quarterly, all with Government contracts over $500,000, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resources Administration, National Ambulatory Medical Care Survey, HRA 34-1 through 5, annually, non-government hospital otupatient departments, Richard Eisinger, 395-6140.

Office of Education: Instructions for Financial Status Report for the Part B, EHA, and P.L. 80-313, ESEA Programs (as amended), OE-9039-1, annually, State agencies, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stazilization and Conservation Service: Application for Approval of Warehouse and Supplement to Application (Grain, Rice, Seed, and Edible Beans), CCC-24, on occasion, grain, bean, seed warehouses, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Bureau of Standards: Synthetic Polymer Fire Accident Case Study, NBS 782, on occasion, individuals involved in fire incidents, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration: Physical Capacities Report (Employment information), ES-571, on occasion, physicians, hospitals, with information on work capacities of applicants, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Mercury (Importers and Dealers Report), 6-1092Q, quarterly, brokers and deal s in mercury, Cynthia Wiggins, 395-5631.

Cobalt (Refining), 6-1041-Q, quarterly, cobalt processing and refining companies, Cynthia Wiggins, 395-5631.

Zinc Oxide (Production, Shipments and Stocks), 6-1152-M, monthly, producers of zinc oxide, Cynthia Wiggins, 395-5631.

Mercury (Supply and Disposition), 6-1091-QA, quarterly, mercury consumers, Cynthia Wiggins, 395-5631.

EXTENSIONS

Coke and Coal-Chemical Materials Production and Disposition, 6-1370A, annually, producers of coke and coal—chemical materials, Cynthia Wiggins, 395-5631.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-18100 Filed 6-18-76;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Notice of Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1976, and ending on December 31, 1976, is 8½ per centum per annum.

Dated: June 16, 1976.

R. C. HOLMQUIST,
Chairman.

[FR Doc.76-17980 Filed 6-18-76;8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0182]

FIRST SBIC OF ARKANSAS, INC.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1976)), under the name of First SBIC of Arkansas, Inc., Suite 706, Worthen Bank Building, 200 West Capitol Avenue, Little Rock, Arkansas 72201, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders are as follows:

Fred C. Burns, 5904 South Country Club, Little Rock, Arkansas 72207, President, General Manager.

W. Randall Reagan, 6519 "R" Street, Little Rock, Arkansas 72207, Secretary, Assistant Manager.

Woodlief A. Thomas, 213 Englewood Road, Little Rock, Arkansas 72207, Treasurer.

Edward M. Penick, 13540 Rivercrest Drive, Little Rock, Arkansas 72207, Director.

James Penick, Jr., 1616 Beechwood, Little Rock, Arkansas 72207, Director.

Robert L. Fikes, 6 Mohawk Circle, Little Rock, Arkansas 72207, Director.

James S. Hall, 36 Pinehurst Circle, Little Rock, Arkansas 72207, Director.

R. J. Wills, 14 Cimarron Valley Circle, Little Rock, Arkansas 72207, Director.

R. Lynn Stringer, Mena, Arkansas 71953, Director.

George R. Shankle, Route 5, Box 129, Hot Springs, Arkansas 71901, Director.
James P. Jett, 201 Markwood, Hot Springs, Arkansas 71901, Director.

Worthen Bank & Trust Company, N.A. (Little Rock) will own 80 percent of the Applicant Licensee's common stock and First National Bank (Hot Springs) will own 20 percent. The Applicant will have only one class of stock. There are 2,000 shares authorized and the initial capitalization will be $500,000.

First Arkansas Bankstock Corporation owns 99.2 percent of Worthen Bank & Trust Company, N.A. and 98.3 percent of the First National Bank. No stockholder beneficially owns 10 percent of the voting securities of First Arkansas Bankstock Corporation.

The Applicant will conduct its operations principally in the State of Arkansas and in other areas within the United States and its territories and possessions as may from time to time be approved by SBA. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management and the probability of sucessful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than July 6, 1976, submit to SBA in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant Licensee in a newspaper of general circulation in Little Rock, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-18016 Filed 6-18-76;8:45 am]

[License No. 10/13-0011]

SBIC OF AMERICA

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701(1976)) for the transfer of control of SBIC of America (SBICA) 1910 Fairview East, #208, Seattle, Washington 98102, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/13-0011.

SBICA was licensed on November 6, 1961. Its present combined paid-in capital and paid-in surplus is $327,695. The proposed transfer of control is subject to and contingent upon approval by SBA.

One hundred percent of the common stock of SBICA will be purchased by four individuals, who will also be the officers of SBICA. After the acquisition the office will be moved to California.

The new officers, directors and shareholders of SBICA will be:

Don M. Miller, 24001 Muirlands Blvd., No. 27, El Toro, California 92630. President, Director (9 percent).
Chuck Brown, 14819 Gibson Avenue, Compton, California 90221, Vice President, Director (5 percent).
Otto M. Ellerman, 9823 Hamben Street, Pico Rivera, California 90660, Vice President, Director (50 percent).
Dennis F. Schwarz, 9392 Cerritos Avenue, Anaheim, California 92804, Secretary, Treasurer Director (36 percent).

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners nad the probability of successful operation of SBICA under the new officers' control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, not later than 15 days from the date of publication of this Notice, submit to SBA, in writing, any relevant comments on the transfer of control. Any such comments should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published by the transferee in newspapers of general circulation in Seattle, Washington, and Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-18014 Filed 6-18-76;8:45 am]

[License No. 06/06-0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Small Business Investment Capital, Inc. (SBIC), 10003 New Benton Highway, Little Rock, Arkansas 72203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1976)), for approval of a conflict of interest transaction.

SBIC is wholly-owned by Shur-Valu Stamps, Inc. (SVS), SVS leases a store to a retail grocer, known as Food Giant #2415, Incorporated (Food Giant), 4003 Highland Drive, Jonesboro, Arkansas 72401 on a certain percentage of Food Giant's sales. In order to become more competitive in pricing and volume, Food Giant wants to buy this property by means of a loan from the Licensee.

Approximately fifty-seven percent of SVS is owned by Affiliated Food Stores, Inc. (Affiliated) with the remaining forty-three percent owned by approximately 319 present and past members of Affiliated (a cooperative of retail grocers). Food Giant is a member of Affiliated.

The terms of the sale by SVS would be for cash of $140,000. Food Giant proposes to borrow this money from SBIC on a five-year, 10 percent note. The note would be written for five years with a lump-sum payment due at the end of the sixtieth month, and Food Giant would be given the opportunity to refinance the lump-sum payment for an additional five years.

Since SVS is considered to be an Associate of the Licensee, pursuant to the provisions of § 107.3 of the Small Business Administration's (SBA) rules and regulations, the transaction falls within the purview of § 107.1004(b)(5) of the regulations and requires the prior written approval of SBA.

Notice is further given that any person may, not later than July 6, 1976, submit to SBA, in writing, comments on the proposed transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by SBIC in a newspaper of general circulation in Little Rock, Arkansas, and in Jonesboro, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-18015 Filed 6-18-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 73]

ASSIGNMENT OF HEARINGS

JUNE 16, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141709, West Bros., Inc., now being assigned September 21, 1976 (1 day), at Kansas City, Mo., in a hearing room to be later designated.
MC 136375 Sub 11, Donco Carriers, Inc., now being assigned September 22, 1976 (1 day), at Kansas City, Mo., in a hearing room to be later designated.
MC 128273 Sub 215, Midwestern Distribution, Inc., now being assigned September 23, 1976 (2 days), at Kansas City, Mo., in a hearing room to be later designated.
MC 64808 (Sub-No. 22), W. S. Thomas Transfer, Inc., application dismissed.
MC 125433 (Sub-No. 71), F-B-Truck Lines Company, now assigned July 23, 1976, at San Francisco, Calif. is canceled and application dismissed.
MC 141045 (Sub 1), Park City Coach Service, Inc. now assigned July 26, 1976 (1 week), at Hartford, Connecticut and will be held in Room 134, Federal Office Building, 150 Main Street.
MC 130140 (Sub 1), Connecticut Tours, Inc., now assigned July 22, 1976 (2 days), at Hartford, Connecticut and will be held in Room 201, U.S. Post Office Building, 135 High Street.
MC-F 12498, CRST, Inc.—Purchase (Portion)—Lee Bros., Inc. now assigned August 24, 1976 (4 days), at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 2860 Sub 86, National Freight, Inc., Extension—Florida, now being assigned July 26, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.
MC 123048 Sub 334, Diamond Transportation System, Inc., now being assigned September 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 135684 Sub 16, Bass Transportation Co., Inc., now being assigned September 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 115841 Sub 506, Colonial Refrigerated Transportation, Inc., now being assigned September 13, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-18022 Filed 6-18-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43180—*Bituminous Coal from Kentucky, Virginia and West Virginia Mines.* Filed by M. B. Hart, Jr., Agent, (No. A6345), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from Kentucky, Virginia and West Virginia Mines, to Woodward and Mt. Meigs, Alabama.

Grounds for relief—Market competition and restoration of origin rate relationship.

Tariffs—Supplements 4 and 42 to The Chesapeake and Ohio Railway Company tariffs 575-P and 3084-E, I.C.C. Nos. 14349 and 14208, respectively. Rates are published to become effective on July 17, 1976.

FSA No. 43181—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd., (No. 11), for itself and interested rail carriers. Rates on general commodities, from ports in the Mediterranean Sea, to railroad terminals at U.S. Gulf Coast ports.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., tariff I.C.C. No. 9, F.M.C. No. 41. Rates are published to become effective on July 26, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18024 Filed 6-18-76;8:45 am]

[Notice No. 278]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 21, 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-76542, filed June 14, 1976. Transferee: Neil Barglind, doing business as Barglind Trucking, P.O. Box 531, Wuinnesec, Michigan. Transferor: Herman Schomer, doing business as Schomer Trucking, 715 River Street, Iron Mountain, Michigan. Applicant's representative: Robert W. Hansley, Attorney-at-Law, 120 North 6th Street, Escanaba, Michigan 49829. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 126154 and MC 126154 (Sub-No. 10), issued by the Commission February 3, 1972, and June 18, 1974, as follows: malt beverages and carbonated beverages, from, and to specified points in Wisconsin, Michigan, Minnesota, Indiana, and Illinois; and those set forth in Permit No. MC 114046, issued January 18, 1974, as follows: Beer, empty beer containers, malt beverages, and empty malt beverage containers, from, and to specified points in Michigan, Minnesota, Missouri, and Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76549, filed April 29, 1976. Transferee: Herbert S. Watson, Doing Business As Herb's Trucking, Route 1, Box 225, Myrtle Creek, OR 97457. Transferor: D. S. Jacobson Trucking Co., Route 1, Box 84, Riddle, OR 97469. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-140592 Sub 2, issued April 12, 1976, as follows: Abrasive grit (granulated slag), from points in Douglas County, Oreg., to points in California, Oregon, and Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76554, filed June 7, 1976. Transferee: Faldmo Tours, Inc., 88 West 500 South, Bountiful, Utah 84010. Transferor: Norman W. Faldmo and Erma B. Faldmo, doing business as Faldmo Tours, 88 West 500 South, Bountiful, Utah 84010. Applicants' representative: Norman W. Faldmo, Sr., 88 West 500 South, Bountiful, Utah 84010. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 12981, issued July 28, 1967, as follows: Passengers and their baggage, in special operations, in all expense round trip-tours beginning and ending at points in Davis County, Utah and extending to points in the United States, including Alaska and Hawaii. Transferor is authorized to engage in the above-specified operations as a broker at Bountiful, Utah. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC-FC-76574, filed June 4, 1976. Transferee: Gary R. Woempner, doing business as Ace Van & Storage, 3685

Duwamish Avenue South, Seattle, Washington 98134. Transferor: Trans World, Inc., 5802 South Washington Street, Tacoma, Washington 98409. Applicants' representative: Frank R. Kitchell, 3900–1001 Fourth Avenue, Seattle, Washington 98154. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC–127184 issued April 24, 1968, as follows: Household goods, Between Seattle, Wash., and Portland, Oreg. 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.76–18023 Filed 6–18–76;8:45 am]

[Notice No. 277]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 21, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 12, 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–76326. By order of June 14, 1976 the Motor Carrier Board approved the transfer to Henry Alderson Austin, doing business as Austin Van and Storage Company, 1 Deaton Street, Bluefield, Virginia 24605, of a portion of the operating rights in Certificate No. MC 102659 issued March 5, 1969, to Harding L. Creasy, Donny R. Creasy, and Glen E. Creasy, doing business as H. L. Creasy & Sons, Bluefield, Virginia, 24605, authorizing the transportation of household goods, as defined by the Commission, between points in that part of Virginia and West Virginia within 100 miles of Pocahontas, Va., including Pocahontas.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–18025 Filed 6–18–76;8:45 am]

[Notice No. 73]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 15, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56409 (Sub-No. 8TA), filed May 28, 1976. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Road, Pamyra, Wis. 53156. Applicant's representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grass pellets*, from the plantsites and facilities of Warren's Turf Nursery, Inc., in Jefferson County, Wis., to Toledo, Ohio and points in Alabama, Arkansas, Georgia, Maryland, Massachusetts and Pennsylvania; and (2) *agricultural machinery, implements, attachments, parts and accessories; shipper owned trailers, and equipment, materials, and supplies* used in the growing, harvesting, processing or distribution of the commodities described in (1) above, and *ingredients thereof*, from points in the United States (except Alaska and Hawaii) to the points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined for the plantsites, facilities or franchise growers of Warren's Turf Nursery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren's Turf Nursery, Inc., 8400 West 111th Street, Palos Park, Ill. 60464. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 109397 (Sub-No. 328TA), filed May 26, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* bearing a Security Classification by the United States Government, between Suffield, Ohio, on the one hand, and Oak Ridge National Laboratories, Tenn., on the other, for 180 days. Supporting shipper: Goodyear Aerospace Corp., Akron, Ohio 44315. Send protests to: District Supervisor John V. Barry, Rm. 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 129927 (Sub-No. 2TA), filed June 2, 1976. Applicant: JAMERSON BROTHERS TRUCKING COMPANY, INC., P.O. Box 205, Appomattox, Va. 24522. Applicant's representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, moving in containers or trailers, and *empty containers, chassis and trailers*, between the site of the plant of Armstrong Furniture Division of Thomasville Furniture Industries, Inc., at or near Appomattox, Va., on the one hand, and, on the other, Danville, Lynchburg, Norfolk, Portsmouth, Hampton and Newport News, Va. Restriction: (1) The operations authorized above are restricted to the transportation of shipments having a prior or subsequent movement by rail or water. (2) The operations authorized above are limited to a transportation service to be performed under a continuing contract of contracts, with Armstrong Furniture Division of Thomasville Furniture Industries, Inc., of Appomattox, Va. Supporting shipper: Armstrong Furniture Division, Thomasville Furniture Industries, Inc., P.O. Box 848, Appomattox, Va. 24522. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 133494 (Sub-No. 11TA), filed May 27, 1976. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, P.O. Box 912, 1003 W. 6th St., Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried bakery products*, not for human consumption, in hopper or tank type trailers from Dallas, Tex., to points in Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray Diaz, Operations Manager, Dext, A Division of Scope Products, Inc., 3915 Halifax St., Dallas, Tex. 75247. Send protests to: Harold C. Morrison, Sr., D/S, Interstate Commerce Commission,

Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 67102.

No. MC 133796 (Sub-No. 30TA) filed May 27, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Displays or floats* to be used in the bicentennial celebration, (1) from Los Angeles, Calif. to New York, N.Y.; (2) from Los Angeles, Calif. to Boston, Mass.; (3) between New York, N.Y. and Boston, Mass.; (4) from New York, N.Y. to Philadelphia, Pa.; (5) from Philadelphia, Pa. to San Francisco, Calif.; and (6) from San Francisco, Calif. to Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N. S. A. (Nichiren Shoshu Academy), P.O. Box 1427, 525 Wilshire Blvd. Santa Monica, Calif. 90406. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 89684 (Sub-No. 94TA), filed May 28, 1976. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household furniture, Classes A and B explosives and those requiring special equipment by reason of size or weight), between the facilities of Frontier Air Lines, Stapleton International Airport at Denver, Colo., on the one hand, and, on the other hand the following air terminals: Vernal Municipal Airport, Vernal, Utah; Jackson Hole Airport, Jackson, Wyo.; Rock Springs City-County Airport, Rock Springs, Wyo.; General Brees Field, Laramie, Wyo.; Yampa Valley Airport, Hyden, Colo.; and Walker Field, Grand Junction, Colo., for 180 days. A Supporting shipper: Frontier Airlines, Inc., 8250 Smith Road, Denver, Colo. 80207. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135007 (Sub-No. 53TA) filed May 27, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the plantsite and storage facilities utilized Stouffer Foods, a Division of The Stouffer Corporation, at Solon and Cleveland, Ohio to points in California, under a continuing contract with Stouffer Foods, Division of the Sotuffer Corporation, for 180 days. Supporting shipper: Stouffer Foods, Division of the Stouffer Corporation Ronald L. Fugo Distribution Supervisor, 5750 Harper Road, Solon, Ohio 44139. Send protests to: District Supervisor Carroll Russell, Suite 620 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135185 (Sub-No. 29TA), filed May 24, 1976. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Drugs, medicines, cosmetics, plastic boxes, weed killing compounds* and animal and poultry feed supplements (except in bulk), (1) from the plantsites, warehouses and facilities used by Eli Lilly & Co. located at or near Roanoke, Va., and Indianapolis, Lafayette and Clinton, Ind., to points in Washington, Oregon, California, Idaho, Utah, Arizona, Montana, New Mexico, and Nevada; and (2) from the plantsites, warehouses and facilities used by Eli Lilly & Co. at or near Roanoke, Va. and Clinton, Ind., to points in Colorado and Wyoming; and (B) *materials and supplies* used in the manufacture and production of, and *rejected and/or damaged shipments of the commodities named in (A) above* (except in bulk), (1) from points in Washington, Oregon, California, Idaho, Utah, Arizona, Montana, New Mexico, and Nevada, to the plantsites, warehouses and facilities used by Eli Lilly & Co. at or near Roanoke, Va., and Indianapolis, Lafayette and Clinton, Ind.; and (2) from points in Colorado and Wyoming, to the plantsites, warehouses and facilities used by El Lilly & Co. at or near Roanoke, Va. and Clinton, Ind., under a continuing contract, or contracts with El Lilly & Co., for 180 days. Supporting shipper: Eli Lilly and Company, Indianapolis, Ind. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 721 19th St., Denver, Colo. 80202.

No. MC 136318 (Sub-No. 42TA), filed May 28, 1976. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, from points in Los Angeles, Orange, Riverside and Ventura Counties, Calif., to Phoenix, Ariz.; Denver, Colo.; Hartford, Conn.; Claymont, Del.; Fort Lauderdale, Miami, Orlando and Tampa, Fla.; Atlanta and College Park, Ga.; Calumet City, Hillside and Rolling Meadows, Ill.; Indianapolis, Ind.; Kansas City, Kans.; Harahan, La.; Camp Springs, Glen Burnie, Rockville, and Timonium, Md.; Burnsville and St. Paul, Minn.; Hazelwood, Mo.; Cherry Hill and Fairfield, N.J.; Farmingdale, and Long Island, N.Y.; Greensboro, N.C.; Columbus, Dayton and Springdale, Ohio; Oklahoma City, Okla.; Portland, Oreg.; Allentown, King of Prussia, and Langhorne, Pa.; Memphis, Tenn.; Dallas, El Paso, Fort Worth, Houston and San Antonio, Tex.; Salt Lake City, Utah; Falls Church, Va.; Seattle, Wash.; and Wauwatosa, Wis., restricted to traffic destined to the facilities of Levitz Furniture Corporation, under a continuing contract, or contracts with Levitz Furniture Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Levitz Furniture Corporation, 1317 N.W. 167th St., Miami, Fla. 33169. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 136318 (Sub-No. 41TA), filed May 28, 1976. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Hickory, N.C., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the facilities utilized by Thomasville Furniture Industries, Inc., under a continuing contract, or contracts with Thomasville Furniture Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper, Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, N.C. 27360. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 136512 (Sub-No. 10TA), filed June 4, 1976. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, fabric* (synthetic or otherwise) and *machinery, materials, equipment, supplies, advertising materials, and packaging* used in the manufacture, distribution, and sale of clothing and fabric between Minneapolis and St. Paul, Minn.; Tulsa, Hominy, and Pawnee, Okla.; Salisbury, Farmington, and St. Louis, Mo.; and Dallas and Paris, Tex. Supporting shipper: Munsingwear, Inc., 718 Glenwood Ave-

nue, Minneapolis, Minn., 55405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138104 (Sub-No. 33TA), filed June 1, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Billy Keck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing wire mesh, iron, or steel and reinforcing bars, iron or steel*, from the plantsite and storage facilities of Foundation Steel and Wire Co., Houston, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee. Supporting shipper: Walter R. Morris, Foundation Steel and Wire Co., 350 West 26th Street, Houston, Tex. 77008. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 141297 (Sub-No. 1TA) (Amendment), filed March 29, 1976, published in the FEDERAL REGISTER issues of April 21, 1976 and May 25, 1976, republished as amended this issue. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from the plantsites of Shannon Chair Co., Houston, Miss., and Maben Manufacturing Co., Maben, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Ohio, Michigan, Indiana, Kentucky, Tennessee, Illinois, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, California, Massachusetts, Colorado, Connecticut, the District of Columbia, Missouri, and West Virginia, under a continuing contract with Shannon Chair Company, and Maben Manufacturing Company, for 180 days. Supporting shipper: Shannon Chair Company, 1st Ave. North, Houston, Miss. 38851. Maben Manufacturing Company, 375 Oswalt Drive, Maben, Miss. 39750. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201. The purpose of this amendment is to add 12 additional states to the territorial description.

No. MC 141640 (Sub-No. 3TA), filed June 1, 1976. Applicant: JOHN THOMAS LOUDERMILK, doing business as D & T TRANSPORT, R.R. No. 4, Box 54A, Mooresville, Ind. 46158. Applicant's representative: Stephen M. Gentry, 5700 West Minnesota St., Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum* in shipper owned containers, from the plansite of the Anaconda Company, Aluminum Division, located at or near Sebree, Ky., to Huntingdon, Tenn. Supporting shipper: The Anaconda Company, Aluminum Division, First National Tower, Louisville, Ky. 40201. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 141654 (Sub-No. 4TA), filed May 28, 1976. Applicant: J. A. DADY, doing business as J. A. DADY, Box 40, Sisseton, S. Dak. 57262. Applicant's representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth St., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from LaCrosse, Wis., to Madison, Watertown, and Sisseton, S. Dak., and from St. Louis, Mo., to Madison, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Madison Grain Belt, Inc., 217 Southwest First Street, Madison, S. Dak. 57042; Estwick Distributing Inc., 113 West Oak, Sisseton, S. Dak. 57262; and Watertown Beverage Co., Watertown, S. Dak. 57201. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Rm. 369, Federal Bldg., Pierre, S. Dak. 57501.

MC 142046TA (Correction), filed May 10, 1976, published in the FEDERAL REGISTER issue of May 27, 1976, and republished as corrected this issue. Applicant: TELMAR TRANSPORT LIMITED, 8267 Le Creusot, St. Leonard, Quebec, Canada HIP 2A2. Applicant's representative: John F. O'Donnell, P.O. Box 238, Milton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in ISO (International Standard Organization), 20' ocean containers (The term ISO Container used in this application means an intermodal container not equipped with running gear for use on the highway), between the port of entry on the International Boundary line between the United States and Canada, at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, Merrimack, N.H.; Brattleboro, Vt.; Windham and Meriden, Conn.; and points in Massachusetts. Restricted to traffic having a prior or subsequent movement by water through a Canadian Port, for 180 days. Supporting shippers: International Silver Company, Meriden, Conn.; Washington Mills Abrasive Co., North Grafton, Mass.; M. S. Walker Inc., Boston, Mass. 02118; Masters and Merrill Inc., Everett, Mass., 02149; Pdyvinyl Chemical Industries (Div. Veatrice Foods), Wilmington, Mass.; The Kendall Company, Boston, Mass. 02110; BASF Systems, Inc., Bedford, Mass. 01730; Boise Cascade (Specialty Paperboard Div.), W. R. Grace Company—Industrial Chemicals Group European Div, Cambridge, Mass. 02138; BTU Engineering, North Bellerica, Mass. 01862; Cast Nort American Limited, Montreal, Quebec, Canada H3Z 2RS. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

NOTE.—The purpose of this correction is to indicate the addition of "on the one hand, and, on the other"; the city of "Merrimack", N.H.; and "points in Massachusetts", which was inadvertently omitted.

No. MC 142071TA, filed May 19, 1976. Applicant: AMERICAN TERMINALS, INC., 1187 N. Kraemer, Anaheim, Calif. 92806. Applicant's representative: Stanley R. Gustafson, Suite 909, 333 S. Flower St., Los Angeles, Calif. 90071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool and flooring glazed and quarried tile products* and *related bonding materials*: (1) between the plantsite of Quality Marble and Tile Company, located in Atlanta, Ga.; Baltimore, Md.; Dallas, Tex.; Englewood, Colo.; Lenexa, Kans.; Phoenix Ariz.; and Anaheim, Sacramento, San Diego, North Hollywood, and San Leandro, Calif.; (2) to the plantsites of Quality Marble and Tile Company as described in (1) above, from the plantsites of U.S. Ceramics located in Houston, Miss., and Canton, Ohio; (3) to the plantsites of Quality Marble and Tile Company as described in (1) above, from the plantsite of Chicago Mastics located in Hamilton, Ohio; (4) to the plantsites of Quality Marble and Tile Company as described in (1) above, from Miami, Fla.; Mobile, Ala.; and San Francisco, Oakland, Los Angeles, San Pedro, and Long Beach, Calif.; (5) this authority is restricted to preclude transportation between points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quality Marble and Tile Company, Division of E. L. Bruce, Inc., 11961 Vose Street, North Hollywood, Calif. 91605. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142101TA, filed May 24, 1976. Applicant: JAMES BROOMALL, doing business as BROOMALL TRUCKING, 5313 Waldo Place, Los Angeles, Calif. 90041. Applicant's representative: James Broomall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and supplies* between Los Angeles, Calif., and points of Phoenix, Tucson, Tempe, Scottsdale, and Mesa, Ariz., with the pickup and delivery of *empty pallets*, the same points under a continuing contract with California Milling Corp., for 180 days. Supporting shipper: California Milling Corp., 1861 E. 55th St., Los Angeles, Calif. Send protests to: Walter W. Strakosch, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142106TA, filed May 4, 1976. Applicant: VIP COMMUTER CORPORATION, 14810 Danville Road, Dale City, Va. 22193. Applicant's representative: Sylvanus Garnet Bent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* to points in Prince William County, and Washington, D.C. for 180 days. Supporting shipper: There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office names below. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue N.W., Room B–317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142113TA, filed June 2, 1976. Applicant: CHESTER A. RICHMOND, doing business as RICHMOND CARTAGE, P.O. Box 337, Craigsville, W. Va. 26205. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va., and Marlinton, W. Va.: From Charleston, W. Va., over U.S. Highway 119 to junction with Interstate Highway 79, thence over Interstate Highway 79 to junction with U.S. Highway 19 at Sutton, W. Va., thence over U.S. Highway 19 to junction with West Virginia Highway 41, thence over West Virginia Highway 41 to junction with West Virginia Highway 20, thence over West Virginia Highway 20 to junction with West Virginia Highway 39, thence over West Virginia Highway 39 to junction with U.S. Highway 219, thence over U.S. Highway 219 to Marlinton, W. Va., and return over the same routes, serving all intermediate and off-route points, on and in connection with above described routes, all points on the designated highways between Sutton, W. Va. (except Sutton and Marlinton, W. Va., and points in Greenbrier, Nicholas, Pocahontas, and Webster Counties).

No. MC 142114 TA, filed June 1, 1976. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, Mass. 01824. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in by retail department stores, from the distribution center of King's Department Stores, Inc., to all King's Department Stores, located at points in Ohio, Indiana, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Kentucky, Tennessee, Massachusetts, Connecticut, Maine, New Hampshire, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: King's Department Stores, Inc., Paul J. Kwasnick, President, 150 California Street, Newton, Mass. 02158. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 142115 TA, filed June 1, 1976. Applicant: PIKE'S LIMITED, P.O. Box 215, Stephenville, Newfoundland, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cod oil and fish oil*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada, located at or near Calais and Houlton, Maine, to points in Massachusetts and New Jersey. Restrictions: The operations authorized are limited to traffic originating in the Province of Newfoundland, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Munn & Company Limited, T. M. Munn, President, Royal Trust Building, St. John's, Newfoundland, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 132123TA, filed June 2, 1976. Applicant: WELTMEYER & SONS, 14800 S. Vine Avenue, Harvey, Ill. 60426. Applicant's representative: Joseph C. Fregeau, 14752 Spaulding Avenue, Harvey, Ill. 60426. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed vehicles, and replacement vehicles*, for such wrecked or disabled vehicles, by wrecker equipment, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Hardwood Lumber Corporation, Lawrence R. Miller, President, 100 First National Bank Plaza, Chicago Heights, Ill. 60411. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. W–1306TA, filed May 13, 1976. Applicant: PORT OF CASCADE LOCKS, a municipal corporation, P.O. Box 307, Cascade Locks, Oreg. 97014. Applicant's representative: R. L. Rombalski, (same address as applicant). By order of the Commission, Motor Carrier Board, dated this day, authority is granted to applicant to operate for 180 days temporary authority, in the transportation of *passengers*, in special operations, by water vessel, beginning and ending at Cascade Locks, Oreg., and Stevenson, Wash., and extending to points on the Columbia River between The Dalles Dam and Corbett, Oregon. Supporting shippers: Grey Lines, Inc., 9038 North Denver, Portland, Oreg.; and Kneisel Travel, Inc., 345 N.E. 8th Street, Portland, Oreg. 97232. Petition for reconsideration. Any interested party may file a petition for reconsideration within 20 days of the date of this FEDERAL REGISTER publication to the Interstate Commerce Commission, Motor Carrier Board, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secrteary.

[FR Doc.76–18026 Filed 6–18–76;8:45 am]

federal register

MONDAY, JUNE 21, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

Office of Assistant Secretary for Housing Production and Mortgage Credit

■

MOBILE HOMES

Procedural and Enforcement Regulations

Title 24—Housing and Urban Development

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

[Docket No. R76-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interim Rule—Modular Homes

On December 18, 1975, at 40 FR 58752, the Department of Housing and Urban Development recodified the final rule establishing Federal mobile home construction and safety standards. These standards were established pursuant to Section 604 of the National Mobile Home Construction and Safety Act of 1974, 42 U.S.C. 5403, hereinafter the "Act." The standards became effective on June 15, 1976, and they govern structures that meet the definition of "mobile home" in Section 603(6) of the Act, 42 U.S.C. 5402 (6), which follows:

(6) 'mobile home' means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

On January 22, 1976, at 41 FR 3406, the Department published proposed regulations to govern the enforcement of the standards. The final regulations governing enforcement were published on May 13, 1976, at 41 FR 19846, as 24 CFR 3282. In the preamble to the final enforcement regulations, the Department noted that the enforcement regulations did not address the applicability of the standards or the enforcement system to modular homes which also meet the definition of "mobile home" in the Act.

As noted in that preamble, it has come to the attention of the Department that some structures that have traditionally been considered to be modular homes are now sometimes being manufactured with and transported on permanent chassis similar to those used to transport mobile homes. The Department has carefully examined the Act and its legislative history and has concluded that while it may not have been the intent of Congress to include this new type of modular housing in the definition of "mobile home," this statutory definition cannot fairly be interpreted to exclude such modular homes transported on permanent chassis. If a structure meets the definition of "mobile home" it is governed by the Act, the standards set out at 24 CFR Part 280, and the enforcement regulations at 24 CFR Part 3282, and the fact that it has previously been considered to be a modular home or that it has been manufactured to a modular housing standard rather than a mobile home standard is irrelevant.

The Department acknowledges, however, that at the time it promulgated its final standards, it had not fully considered their impact on structures that had previously been considered modular homes, but that are now being transported in the same manner as mobile homes. The Department also believes that many manufacturers in the modular housing industry have not considered the Act to apply to them and, with some justification, are not yet prepared to manufacture their products to the federal standards.

The Department is aware that modular homes, whether transported on permanent chassis or not, are an approach to housing production which differs significantly from mobile homes. If it were free of the statutory restraints of Section 603(6) of the Act, and if it could fashion a meaningful definition for modular homes that would not adversely affect the scope of its responsibilities for mobile homes under the Act, the Department would exclude homes which are, in fact, modular homes.

Under these circumstances and to avoid a serious and unfair disruption to the modular home industry and the consumers it serves, the Department is hereby publishing for effect on June 15, 1976, a new section 280.7 which temporarily exempts for 150 days from the applicability of the federal standards structures meeting any one of the following requirements:

(a) They meet the following codes published by the Building Officials and Code Administrators (BOCA) and the National Fire Protection Association (NFPA):

1. BOCA Basic Building Code—1975;
2. BOCA Basic Industrialized Dwelling Code—1975;
3. BOCA Basic Mechanical Code—1975;
4. BOCA Basic Plumbing Code—1975; and
5. NFPA National Electrical Code—NFPA 70—1975.

(b) They meet the following codes published by the Southern Building Code Congress and (SBCC) and the NFPA:

1. Southern Standard Building Code—1976;
2. Southern Standard Gas Code—1976;
3. Southern Standard Mechanical Code—1976;
4. Southern Standard Plumbing Code—1975 with 1976 revision; and
5. National Electrical Code—NFPA 70—1975.

(c) They meet the following codes published by the International Conference Building Officials (ICBO) and the NFPA:

1. Uniform Building Code—1973;
2. Uniform Plumbing Code—1973;
3. Uniform Mechanical Code—1975; and
4. National Electrical Code—NFPA 70—1975;

(d) They meet a standard established by a state for modular homes as distinct from mobile homes; or

(e) They are built in accordance with a Federal Housing Authority (FHA) Structural Engineering Bulletin and FHA Minimum Property Standards, and are eligible for long-term financing under Section 203(b) of the National Housing Act, 12 U.S.C. 1701 et seq.

The Department notes that the period during which modular homes will be exempt will be 150 days from June 15, 1976, rather than 90 days, as was indicated in the Preamble to the regulations published on May 15, 1976, at 41 FR 19846. This increase is necessary to allow the Department adequate time in which to obtain and consider public comment and to issue an appropriate final rule with respect to modular homes, and to allow adequate lead time to comply with such a final rule once it is issued.

Normally, the Department would issue this amendment as a proposed rule and would promulgate a final rule only after considering any comments which it received. In this case, however, the Department has determined for the reasons discussed below that this amendment must be issued as a final rule to take effect on June 15, 1976. If the Department were to issue this as a proposed rule and seriously consider any comments received, the rulemaking process would not be concluded before June 15, 1976, the effective date of the Federal standards. If this happened, the mobile home standards would be applicable to the type of modular homes with which this amendment is concerned, and as has been discussed, the Department finds this to be inappropriate, detrimental to the modular housing industry, and contrary to the public interest. Further, modular home manufacturers would be subject to the provisions of 24 CFR Part 3282, though many of them would not be able to meet those provisions because they have not considered their products to be mobile homes and have not made initial preparations. The Department notes that the lack of a formal opportunity for comment in this case is mitigated by the fact that notice of this action was given in the preamble to the final rule published as 24 CFR Part 3282 on May 13, 1976, and by the fact that this is to be an interim rule, and the Department will consider revisions to the new section as soon as possible based on comments received as a result of this notice.

The Department finds, therefore, under 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), and 24 CFR 10.5, that notice and public procedure are impracticable and contrary to the public interest in this case. The Department further finds, as required by paragraphs (c) and (e) of section 604 of the Act, 42 U.S.C. 5403(c) and (e), that an earlier effective date than that required by those paragraphs is in the public interest for the reasons stated above. The Department has also found it not to be feasible to consult with the National Mobile Home Advisory Council under 605(b) of the Act, 42 U.S.C. 5404(b). Finally, for the reasons stated, the Department finds, under section 553(d)(3) of the Administrative Procedure Act, 5

U.S.C. 553(d)(3), that this rule must be made effective as of June 15, 1976, though that is less than 30 days from the date it is published.

While this interim rule is being published for final effect, the Department solicits public comment from interested parties. Particularly helpful would be comments addressing the question of whether and how the Act may fairly be read to exclude modular homes transported on permanent chassis, and how, in general, modular homes should be handled under the Act. Written comments should clearly identify the subject matter by the title of this notice and the new section, 24 CFR 280.7. They should be submitted to the Rules Docket Clerk, Office of the Secretary, Department of Housing and Urban Development, 451 Seventh St., S.W., Washington, D.C. 20410. All communications received before August 15, 1976, will be considered before further action is taken with respect to this subject. Comments received after that date shall be considered only as time permits, or shall be considered as petitions for further rulemaking.

All written comments except those determined to be exempt by the Department under 24 CFR Part 15 and under 24 CFR 3282.54, shall be available for public examination at the above address.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB circular A-107.

This rule is adopted as an amendment to Chapter II because, at the time of original codification, the Mobile Home Program was the responsibility of the Assistant Secretary for Housing Production and Mortgage Credit whose regulations appear in that Chapter. Since that time the Department has established a new Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, and new Chapter XX has been adopted. However, there is an urgent need to make this effective in sufficient time for manufacturers of modular homes to know the status of their products prior to June 15, 1976. This schedule requires publication as soon as possible, and since recodification of these standards is not administratively feasible in such a limited time, this amendment is being issued under Chapter II. For this reason it bears the signatures of both the Assistant Secretary for Consumer Affairs and Regulatory Functions as issuing officer and the Assistant Secretary for Housing Production and Mortgage Credit who is responsible for all amendments to Chapter II. It is intended to recodify these standards under Chapter XX as Part 3280 in the near future.

Accordingly, 24 CFR Part 280, as published on December 18, 1975 (40 FR 58752), as amended, is amended by adding a new § 280.7, which reads as follows:

§ 280.7 Modular homes.

A structure which meets the definition of "mobile home" set out in § 280.2(a)(16) is not subject to the provisions of this part if it enters the first stage of production before 150 days after June 15, 1976 and meets any one of the following criteria:

(a) The structure is manufactured in accordance with and meets the following codes published by Building Officials and Code Administrators (BOCA) and the National Fire Protection Association (NFPA):

(1) BOCA Basic Building Code—1975;

(2) BOCA Basic Industrialized Dwelling Code—1975;

(3) BOCA Basic Mechanical Code—1975;

(4) BOCA Basic Plumbing Code—1975; and

(5) National Electrical Code—NFPA 70—1975;

(b) The structure is manufactured in accordance with and meets the following codes published by the Southern Building Code Congress (SBCC) and the NFPA:

(1) Southern Standard Building Code—1976;

(2) Southern Standard Gas Code—1976;

(3) Southern Standard Mechanical Code—1976;

(4) Southern Standard Pumbing Code—1975, with 1976 revision; and

(5) National Electrical Code—NFPA 70—1975;

(c) The structure is manufactured in accordance with and meets the following codes published by the International Conference of Building Officials (ICBO) and the NFPA:

(1) Uniform Building Code—1973;

(2) Uniform Plumbing Code—1973;

(3) Uniform Mechanical Code—1973; and

(4) National Electric Code—NFPA 70—1975.

(d) The structure meets a standard established by a state for modular homes, as distinct from mobile homes as they are defined by the state.

(e) The structure is built in accordance with an FHA Structural Engineering Bulletin and FHA Minimum Property Standards and is eligible for long-term financing under section 203(b) of the National Housing Act, 12 U.S.C. 1701 et seq: Provided, That any aspects of the cited codes or any state codes which are intended to apply to mobile homes, as such codes may define them, are preempted by the comparable aspects of the Federal standards.

(Secs. 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1874, 42 U.S.C. 5403, 5404, and 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date: This rule is effective as of June 15, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

DAVID COOK,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.76-17960 Filed 6-16-76;2:23 pm]

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-390]

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Adoption of Safety Standards

On May 13, 1976, the Department of Housing and Urban Development published at 41 FR 19846 the final rule establishing regulations governing the enforcement of the Federal mobile home construction and safety standards. These regulations were issued under section 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (hereafter, the "Act"), 42 USC 5424. They were effective on May 13, 1976.

The Department has determined that it is necessary to issue seven amendments to these regulations, and that these amendments must take effect immediately upon publication. The first amendment adds a new paragraph (a) to § 3282.8 to explain which mobile homes are governed by the regulations. The second changes slightly the definition of "Recreational Vehicle" in § 3282.8(f). The third amendment replaces paragraph (d) of § 3282.205 to clarify when labels may be placed on mobile homes which enter the first stage of production prior to June 15, 1976. The fourth amendment makes clear that multi-family mobile homes are not covered by the standards or these regulations and that modular homes that are exempt from the standards are not covered by these regulations. The fifth amendment corrects an inadvertent omission in the definition of "mobile home" found in § 3282.7(u). The sixth amendment adds to the transition certification program of section 3282.207 a requirement imposed by section 614(e) of the Act.

The first amendment, to § 3282.8(a), states that these regulations govern (i) all mobile homes that enter the first stage of production on or after June 15, 1976 and (ii) all mobile homes that enter the first stage of production before June 15, 1976 to which labels are affixed. This amendment is consistent with the Department's conclusion that the remedial provisions of the Act apply only to

those mobile homes to which the Federal standards apply. It is necessary to clarify any misunderstandings which may have arisen to the effect that the regulations govern all mobile homes manufactured or in existence as of the effective date of the regulations. It is also necessary to assure that appropriate remedies are available with respect to all mobile homes to which labels are applied under the third amendment, to § 3282.205. Because of the need to clarify this point before the mobile home standards enforcement program formally begins on June 15, 1976, and because of the need to assure that remedies are available with respect to all mobile homes to which the label is affixed, the Department has determined that notice and public procedure are impracticable and contrary to the public interest in this case.

The second amendment to § 3282.8(f) deletes the term "air-conditioning" from the definition of "recreational vehicle". This is being done because certain recreational vehicles that should not be classified as mobile homes contain air conditioning systems that require connection to electrical utilities.

The third amendment, to § 3282.205, states that the labels required by § 3282.362(c)(2), which are the labels obtained from Production Inspection Primary Inspection Agencies (IPIAs) when a manufacturer has obtained all of the Primary Inspection Agency services set forth in subpart H of Part 3282, may be affixed to mobile homes which enter the first stage of production prior to June 15, 1976, if certain requirement are met. Basically, to qualify for such labels prior to June 15, the mobile homes must: (i) be manufactured under the surveillance of IPIA after all required approvals by the Design Approval Primary Inspection Agency (DAPIA) and the IPIA; (ii) the labels must not be affixed to the mobile homes until June 15, 1976; (iii) the manufacturer must pay the monitoring inspection fee required by § 3282.210 for each mobile home so labeled; and (iv) the state where the mobile homes are manufactured must agree to treat the mobile homes as if they had entered the first stage of production on or after June 15, 1976.

This amendment is necessary because the statements in § 3282.205(d) as published are contradictory with respect to whether mobile homes manufactured prior to June 15, 1976, may bear the label. It was intended that such labeling be prohibited, but the word "not" was inadvertently omitted from the last sentence of § 3282.205(d). This resulted in contradictory statements, and the Department received immediate comment on the contradiction. These amendments remove the contradiction.

Some manufacturers, perhaps in response to the Department's proposed enforcement regulations, have already scheduled production to assure that mobile homes which leave the production line on June 15, 1976 will meet the Federal standards. Under these amendments, such mobile homes may still qualify for labels if they meet the requirements of these amendments. Under these amendments, an essentially uniform June 15, 1976 starting date for the mobile home enforcement program is retained, a necessary adjunct to a nationally effective effort. Furthermore, with these amendments, in States able to cooperate manufacturers will be assured of an even longer phase-in period than is otherwise provided for, and consumers will benefit from the extension of the full range of protections to even more mobile homes.

Other alternatives were considered. However, alternatives which would have permitted individual manufacturers to enter the program at any time between now and June 15, 1976, at their option, in the Department's view would have created insurmountable problems for the national mobile home enforcement program and would have unfairly penalized States who justifiably relied upon the June 15, 1976 effective date established in the final Federal standards.

The fourth amendment, by adding § 3282.8(l), excludes multi-family mobile homes. It inserts a provision identical to that found in the proposed enforcement regulations which was inadvertently omitted from the final regulations published on May 13, 1976. By adding § 3282.8(m), the amendment makes it clear that modular homes that are exempt from the standards are not subject to these regulations.

The fifth amendment also corrects an inadvertent omission in the definition of "mobile home" found in section 3282.7(u).

The sixth amendment adds a new paragraph (f) to the transition certification program, § 3282.207. Pursuant to the provisions of section 614(e) of the Act, paragraph (f) requires a manufacturer acting under section 3282.207 to submit copies of designs to the Secretary or the Secretary's agent.

In order that these amendments be effective at all, it is necessary that they take effect immediately upon publication. To allow any meaningful period for public comment would render the amendments meaningless. Furthermore, some comments on these issues, in response to the proposed enforcement regulations, have already been received. Therefore, the Department has determined that notice and public procedure are impracticable and contrary to the public interest in this case.

The Department further finds, for the reasons stated, that these amendments must be made effective as of the date they are published, though that date is earlier than the 30 days after publication that is normally required.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Office of Mobile Home Standards, Rm. 6262 Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of the rule have been carefully evaluated in accordance with OMB circular A–107.

Accordingly, 24 CFR Part 3282, as published at 41 FR 19846, is amended as follows:

1. By adding a new paragraph (a) to § 3282.8 and redesignating existing paragraphs (a) through (j) as paragraphs (b) through (k), respectively. New paragraph (a) reads as follows:

§ 3282.8 Applicability.

(a) Mobile Homes. This part applies to all mobile homes that enter the first stage of production on or after June 15, 1976, and to all mobile homes that enter the first stage of production before June 15, 1976, to which labels are applied under § 3282.205(d).

2. By amending paragraph (g) of § 3282.8 to read as follows:

* * * * *

(g) Recreational vehicles. Recreational vehicles do not fall within the definition of mobile homes and are not subject to these regulations. A recreational vehicle is a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities and which are self propelled or towed by a light duty vehicle.

3. By revising paragraph (d) of § 3282.205 to read as follows:

§ 3282.205 Certification requirements.

* * * * *

(d) The manufacturer shall apply a label required or allowed by these regulations only to mobile homes that it knows by its inspections to be in compliance with the standards. The manufacturer shall affix the transition certification label allowed by § 3282.207 only to mobile homes that enter the first stage of production on or after June 15, 1976. The manufacturer may affix the label described in § 3282.362(c)(2) to mobile homes that enter the first stage of production prior to June 15, 1976, only under all of the following circumstances.

(1) No such labels are affixed to any mobile homes prior to June 15, 1976.

(2) The labels are obtained only through the procedures set forth in subpart H of this part pursuant to the full range of services provided by primary inspection agencies.

(3) The manufacturer keeps a record of all mobile homes that enter the first stage of production prior to June 15, 1976, and to which labels are affixed under this provision.

(4) The manufacturer certifies the accuracy of the record required under paragraph (d)(3), immediately above, and provides a copy of that certification to the IPIA that provides production inspections in the plant in which those mobile homes are manufactured.

(5) The manufacturer pays the monitoring inspection fee required by § 3282.210 for each mobile home to which a label is affixed under this provision.

(6) The manufacturer agrees that all mobile homes that it labels under this provision shall be subject to the requirements of the Act and these regulations, and particularly to the remedial provisions of subpart I of this part.

(7) The manufacturer obtains the agreement of the State in which the mobile homes are manufactured that the State will accept such mobile homes as if they had entered into the first stage of production on or after June 15, 1976, including agreement by the State not to require any State label for such mobile homes and not to require any inspections or charge any fees that would not be allowed with respect to mobile homes that enter the first stage of production on or after June 15, 1976.

(8) No other label relating to any aspect of the mobile home covered by the Federal standards is affixed to the mobile homes.

4. By adding new paragraphs (l) and (m) to § 3282.8 to read as follows:

* * * * *

(l) Multifamily homes. Mobile homes designed and manufactured with more than one separate living unit are not covered by the standards and these regulations.

(m) Modular homes. Modular homes that fall within the definition of "mobile home: set out at § 3282.7(u) are not covered by these regulations if they are exempt from the standards under 24 CFR 280.7.

* * * * *

5. By revising § 3282.7(u) to read as follows:

§ 3282.7 Definitions.

* * * * *

(u) "Mobile home" means a structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

6. By adding a new paragraph (f) to § 3282.207 to read as follows:

§ 3282.207 Transition certification program.

* * * * *

(f) The manufacturer acting under this section shall submit copies of designs to the Secretary or the Secretary's agent. Authority section 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 USC 5424, and section 7(d), Department of Housing and Urban Development Act, 42 USC 3535(d).

Effective date: These amendments are effective June 21, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-17958 Filed 6-16-76;2:23 pm]

[Docket No. R-76-390]

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Delaying Effectiveness of Certain Provisions of Subpart I

On May 13, 1976, the final rule establishing the mobile home procedural and enforcement regulations as new Part 3282 of 24 CFR was published in the FEDERAL REGISTER at 41 FR 19846. Included in the final rule was Subpart I—Consumer Complaint Handling and Remedial Actions, which was included in the regulations to provide effective implementation of the provisions of § 615 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 USC 5401, 5414 (hereafter, the Act). Subpart I includes detailed requirements governing how mobile home manufacturers must respond to consumer complaints and other information that the manufacturers receive concerning mobile home problems with respect to which the manufacturers must act under § 615 of the Act.

Soon after the final rule was published, the Department received several petitions from mobile home manufacturers and from a trade association asking that the provisions of Subpart I be altered in several significant respects. The petitions also requested that the Department delay the effectiveness of the subpart. The basic argument in the petition is that the subpart is so complex that it will be too cumbersome to implement, particularly with respect to non-safety related complaints. The petitions argue further that manufacturers cannot operate under some of the provisions of the subpart, either because the provisions are too vague or because the provisions require such extensive actions to be taken that the manufacturers will not have the resources to respond. The petitions point out that the extensive requirements with respect to minor complaints or problems (those in the category of noncompliance or defect under the regulations) will prevent the manufacturers from responding as effectively and efficiently as possible to the safety-related problems that fall in the category of serious defect or imminent safety hazard.

The Department has given careful consideration to manufacturers' petitions. The Department has also taken into account the fact that some consumer groups have orally expressed concern that the requirements of Subpart I may both hinder manufacturers in their efforts to provide remedial actions and significantly increase the cost of the mobile home to purchasers.

It is the policy of the Department to provide for the effective implementation of the Act without establishing unnecessary or burdensome requirements. Because the petitions and comments received indicate that certain requirements of Subpart I may be unduly burdensome, the Department has determined that it is appropriate to delay the effectiveness of certain provisions of Subpart I with respect to noncompliances and defects until September 15, 1976. This delay covers all complaints and other information received relating to possible noncompliances and defects in mobile homes manufactured to the Federal standards before September 15, 1976. In the interim, the Department will propose a revision to Subpart I and will issue a final rule on the basis of comments received.

The Department is now issuing an amendment to § 3282.401. The amendment will establish a new paragraph (c) of that section. It will provide that no manufacturer may be required to act under §§ 3282.404–3282.407 with respect to noncompliances or defects until September 15, 1976. However, each manufacturer shall retain any information it receives concerning possible noncompliances or defect, and each manufacturer shall act with respect to that information after September 15, 1976. The Secretary and State Administrative Agencies that would act under §§ 3282.406–3282.407 shall forward appropriate information concerning noncompliances and defects to manufacturers as they would under § 3282.406(a), but they shall require no further actions to be taken by the manufacturer under the Act until September 15, 1976, though states may require manufacturers to act under state laws or other provisions not preempted by the Act and these regulations, as described at 24 CFR 3282.11. September 15, 1976, will be considered to be the date on which manufacturers received any information concerning noncompliances or defects for purposes of computing time periods within which actions must be taken with respect to information received before September 15, 1976. Under this approach, no information concerning noncompliances or defects will be lost or ignored. Rather, a complete response in every case will merely be deferred until the rules governing such responses are reevaluated, altered if necessary, and finalized. With respect to safety related information, there will be no deferral of response.

As noted, the Department intends, through proposed rulemaking, to make any necessary changes in Subpart I, and particularly in §§ 3282.404–407, prior to September 15, 1976. The Department would prefer to make these changes prior to June 15, 1976, so that there would be no need to delay the effectiveness of the provisions requiring remedial actions with respect to noncompliances and defects, but this is not possible because ef-

fective public comment cannot be obtained in time. Among the changes that the Department may make in §§ 3282.404–3282.407 are changes in the time periods in which actions must be taken. Manufacturers have argued that these are unrealistically short and inflexible. Since the effectiveness of §§ 3282.404–3282.407 with respect to imminent safety hazards and serious defects is not delayed, the Department wishes to reemphasize that it does not view the time periods set out in those sections as rigid or inflexible. As was indicated in the preamble to the final rule establishing Part 3282, at 41 FR 19847, any time period may be extended in unusual circumstances on a case by case basis. Moreover, the Department is sensitive to the need, particularly in the early stages of the program, to determine whether or not the time periods are realistic, and to allow flexibility as all parties begin operating under this new system. The Department expects, therefore, that it and the State Administrative Agencies will allow the time limits to be exceeded in appropriate cases.

In order to avoid requiring manufacturers and other parties to act under a system that may be too cumbersome and hinder effective consumer protections, the Department has determined that this amendment must be made effective as of the date it is published in the Federal Register. Therefore, notice and public procedure are impracticable and contrary to the public interest in this case, and the amendment must take effect prior to 30 days after its publication, as would normally be the case.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inappliability is available for inspection and copying according to Department rules and regulations at the Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20411.

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

Accordingly, 24 CFR Part 3282, as published in 41 FR 19846, is amended by adding a new paragraph (c) of § 3282.401 to read as follows:

§ 3282.401 Scope.

* * * * *

(c) Notwithstanding the provisions of §§ 3282.404–3282.407, no manufacturer may be required to act under those sections with respect to noncompliances or defects until September 15, 1976, except as stated in this paragraph. However, each manufacturer shall retail all consumer complaints and other information received by the manufacturer before that date that indicate the possible existence of noncompliances or defects and maintain complete records of the manufacturer's response, if any. The Secretary and State Administrative Agencies that would act under §§ 3282.404–3282.407 with respect to noncompliances and defects shall forward complaints and other information to the manufacturers as they would under § 3282.406(a), but shall not require that any action be taken by the manufacturer until September 15, 1976, if the manufacturer responds under § 3282.406(b) that the information does not relate to a serious defect or imminent safety hazard and the SAA or the Secretary agrees. September 15, 1976, shall be considered to be the date on which consumer complaints and other information were received by the manufacturer for purposes of computing the time periods within which actions must be taken under §§ 3282.404–3282.407 with respect to those complaints and other information relating to noncompliances or defects received before September 15, 1976.

(Secs. 615 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5414 and 5424, and § 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Effective date: This amendment is effective June 21, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76–17959 Filed 6–16–76;2:23 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N–76–550]

MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Enforcement Interpretative Bulletin H–1–76

On May 13, 1976 the final rule establishing the mobile home procedural and enforcement regulations as new Part 3282 of 24 CFR was published in the FEDERAL REGISTER at 41 FR 19846. Section 3282.205(c) of these regulations requires that mobile home manufacturers provide with each mobile home a certification that, to the best of the manufacturer's knowledge and belief, the mobile home conforms to the Federal mobile home construction and safety standards. This certification, as required by § 616 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 USC 5401, 5415, hereafter, the Act, is provided by affixing to the mobile home a permanent label containing the language set out in § 3282.362(c)(2)(C):

As evidenced by this label No. ABC 000 001, the manufacturer certifies that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and to the best of the manufacturer's knowledge and belief, is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See data plate.

Since the final regulations were published, the Department has received several petitions from mobile home manufacturers and a trade association requesting that the language of the label be changed, or at a minimum, that the Department issue an interpretation of the language of the label to clarify the meaning of the language, "* * * the manufacturer certifies that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development * * *." The petitions expressed the concern that this language could be read as a certification by the manufacturer that all inspections that should have been made of the mobile home under Part 3282, including inspections required to be made by the Production Inspection Primary Inspection Agency (IPIA) operating in the manufacturer's plant, have been made. The manufacturers, in their petitions, assert that they cannot and should not be required to certify to the actions of other parties, specifically of IPIAs.

The Department agrees with the manufacturers. The Department did not intend that the manufacturer certify to any actions required to be taken by other parties. The Department interprets the certification language with respect to inspection to mean that the manufacturer is certifying that it has carried out all inspections required by its quality assurance manual and has obtained the services of a DAPIA for the mobile home design and of an IPIA for the plant where the mobile home was manufactured. The manufacturer is not certifying that the DAPIA or the IPIA actually carried out inspections required of them by subpart II of Part 3282.

The petitions also questioned why one aspect of the certification language required in the label is qualified by the language "to the best of its (the manufacturer's) knowledge and belief," while the other aspect relating to inspection is not. The manufacturers request that all aspects of the certification language be similarly qualified or that the reference to inspections be deleted.

The "knowledge and belief" qualification was added at the request of the Federal Trade Commission. The Federal Trade Commission requested the qualification so that consumers would not be mislead into believing that every mobile home actually conforms to the standards, when the process of manufacturing mobile homes is such that despite the best efforts of manufacturers, not every mobile home will actually conform to the standards. Having added the qualification, the Department decided to add the reference to inspections as well so that the consumer would know that, while the manufacturer could not provide an absolute certification of conformance, the manufacturer had carried out insepctions designed to assure conformance as far as possible. The Department did not add qualifying language to the reference to inspections because the Department did not believe this to be necessary to avoid misleading consumers.

The Department does not believe that the addition of the qualifying language changed the standard by which the certification is to be judged. That standard is set out at section 610(a)(4) of the Act, 42 USC 5409(a)(4), which reads, in relevant part, as follows:

No person shall * * * issue a certification to the effect that a mobile home conforms to all applicable Federal mobile home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect * * *.

The Department believes that this language sets out the standard by which both aspects of the certification are to be judged.

The Department is now issuing an enforcement interpretative bulletin reflecting this discussion. The Department is considering changing the language of the label at a later date. Such a change would not be practicable prior to June 15, 1976, when manufacturers will begin to use the label.

This enforcement interpretative bulletin is issued under 24 CFR 3282.113. The Department has determined under 24 CFR 10.5 that advance publication and notice and public procedure are unnecessary and contrary to the public interest because the bulletin simply reflects what the Department intended when it wrote the language of the label, and because it is necessary to issue the bulletin before June 15, 1976, so that the manufacturers will have a clear understanding of what their certification means before it is affixed to mobile homes. Therefore, this bulletin shall take effect immediately upon publication.

The Department has determined that an Environmental Impact Statement is not required with respect to this interpretation. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Office of Mobile Home Standards, Department of Housing and Urban Development, 451 7th St., S.W., Washington, D.C. 20011.

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

Accordingly, the language required by 24 CFR 3282.362(c)(2)(C), as published at 41 FR 19869, is interpreted as follows:

ENFORCEMENT INTERPRETATIVE BULLETIN H–1–76

LABEL LANGUAGE INTERPRETATION—§ 3282.362(C)(2)(C)

The Department of Housing and Urban Development interprets the language "the manufacturer certifies that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development," as follows:

(a) The manufacturer is certifying that the mobile home has been subjected to all inspections called for in the quality assurance manual under which the mobile home was manufactured. The quality assurance manual referred to is that required to be submitted to the DAPIA under § 3282.203(c) for approval under § 3282.361(c);

(b) The manufacturer is certifying that it has arranged for the services of a DAPIA to approve the mobile home design followed and for the services of an IPIA to provide inspections in the plant where the mobile home was manufactured, but the manufacturer is not certifying that the DAPIA, the IPIA, or any other party has carried out inspections of the mobile home required of it under Part 3282;

(c) The certification language in its entirety is to be judged by the standard set out in § 610(a)(4) of the National Mobile Home Construction and Safety Standards Act of 1974, 41 USC 5401, 5409.

Effective date: This Enforcement Interpretative Bulletin takes effect June 21, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76–17962 Filed 6–16–76;2:24 pm]

[Docket No. N–76–550]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interpretative Bulletin C–3–76

On May 4, 1976, the Department issued for public comment Interpretative Bulletins covering various aspects of the Federal Mobile Home Construction and Safety Standards as published by the Department of Housing and Urban De-

velopment on December 18, 1975, at 40 F.R. 58752.

On May 6–7, 1976, the Office of Mobile Home Standards held a public meeting in Washington, D.C. to discuss said Interpretative Bulletins and other matters related to Part 280 of the Federal Mobile Home Construction and Safety Standards with interested parties.

One of the proposed Interpretative Bulletins discussed at the meeting was C–3–76, which permits the use of equivalent fire protective materials, including gypsum board, in lieu of asbestos millboard for combustible kitchen cabinet protection at all areas except over the cooking range.

During the course of the meeting, it was pointed out by several of the participants that there was a significant handling and potential health hazard associated with the use of asbestos millboard.

Because of the concern expressed at the meeting, HUD conferred further on this subject with the Occupational Health and Safety Administration (OHSA), and the National Bureau of Standards (NBS). This investigation confirmed that there were serious problems in handling asbestos millboard and also that there were potential health hazards to workmen involved with the cutting operation of the material. The inquiry also indicated that while there was concern that gypsum board, when continuously exposed to ordinary cooking activity (e.g., when installed over the cooking range for combustible kitchen cabinet protection) might deteriorate over a long period of time, this potential problem was unconfirmed at this time.

Since a substantial cost investment is necessary for tooling up to handle asbestos millboard, and because of the potential health hazards involved with cutting and handling of asbestos millboard, the Department is revising proposed Interpretative Bulletin C–3–76, to permit the use of 5/16" gypsum board as an alternative to ¼" asbestos millboard when a ¾" air space is integrally provided in the range hood. The remainder of the proposed Interpretative Bulletin remains unchanged as published in the FEDERAL REGISTER on May 11, 1976.

Since the May 11, 1976 FEDERAL REGISTER publication which included the proposed Interpretative bulletin contained a finding of inapplicability with regard to the Environmental Impact—HUD Handbook 1390.1, and an evaluation of the Economic and inflationary impact was made in accordance with OMB circular A–107, no additional statements were prepared.

Interested persons may participate in the rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments received by July 20, 1976, will be considered before final action is taken on this proposed interpretation.

All written comments except those determined to be exempt by the Department under the Privacy Act and the National Mobile Home Construction and Safety Standards Act of 1974 (U.S.C.) shall be available for examination by the public at the above address.

Accordingly, it is proposed to interpret 24 CFR Part 280, as published on December 18, 1975, as follows:

INTERPRETATIVE BULLETIN C–3–76

COMBUSTIBLE KITCHEN CABINET PROTECTION—§ 280.204

The exposed bottom end panel, and sides of overhead combustible kitchen cabinets within a space of 6 horizontal inches from the side of the cooking range, may in lieu of ¼" thick asbestos millboard covered with 26 gage sheet metal, be protected with an exterior finish material having a flame spread rating not to exceed 50 and a combustibility of 5/16" gypsum board or material having equivalent fire protective properties.

Combustible kitchen cabinets over and extending beyond the cooking range may be protected by:

(1) Use of at least a ¼" thick asbestos millboard covered with a 26 gage sheet metal hood or;

(2) A 26 gage sheet metal range hood which provides at least a ⅜ inch enclosed air space to an exterior finish material when mounted to the underside of the cabinet. The exterior finish material shall have a flame spread rating not to exceed 50 and a combustibility of 5/16" gypsum board or material having equivalent fire protective properties.

(Secs. 604 and 605 of Title VI of P.L. 93–383, 42 U.S.C. 5403 and 542 and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., June 16, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76–17963 Filed 6–16–76;2:24 pm]

[Docket No. N–76–550]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interpretative Bulletin C–5–76

The purpose of this document is to give notice of a determination by the Department of the specific approval, for use in mobile homes, of a foam plastic thermal insulating material as described in the text. This determination was made under section 280.207(a) of the Mobile Home Construction and Safety Standards (24 CFR Part 280, 40 FR 58752 (December 18, 1975)), issued pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Public Law 93–383, 42 USC 5401). That section prohibits the use of foam plastic thermal insulating materials within the cavity of walls or ceiling or exposed to the interior of the mobile home, except as described in subsection (b) or unless otherwise specifically approved by the Department, based on accepted tests including full scale room fire testing.

This document is published as an interpretive bulletin under § 280.1(b) of the Mobile Home Construction and Safety Standards and is the result of a request by the Dow Chemical Company and its submission of accepted tests. Because the approval of the material does not constitute rulemaking or the making of new Federal policy, there was no requirement to consider whether an Environmental Impact Statement was required under HUD Handbook 1390.1. Also, there was no requirement for the preparation of an inflation impact statement pursuant to Office Management and Budget Circular A–107.

Accordingly, notice is given as follows of a determination under § 280.207(a), which is being published pursuant to the authority contained in §§ 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 5403 and 5425), and section 7(d) of the Department of Housing and Urban Development Act (42 USC 3535(d)).

Dated: June 15, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

INTERPRETATIVE BULLETIN C–5–76

FOAM PLASTIC INSULATING SHEATHING MATERIALS—§ 280.207(a)

Extruded expanded polystyrene foam plastic not to exceed one inch in thickness may be used within the cavity of walls or ceilings as a sheathing or backer board for exterior coverings under the following conditions:

(i) The sheathing shall have a minimum compression strength of 25 psi when tested as per ASTM–D 1621–64 and an average thermal conductivity (k factor) of 0.20 Btu–in/hr ft² F at 75° F mean when tested as per ASTM–C–518–70.

(ii) A minimum of two inches of mineral fiber insulation is provided within the wall cavity and a minimum of four inches of mineral fiber insulation is provided in the ceiling cavity.

(iii) An interior finish material is provided on exterior wall and ceiling surfaces with equivalent fire resistive properties to 5/16" gypsum board.

(iv) A wall framing system consisting of 2" x 4" wall studs at 16" o.c. or equivalent when the sheathing is installed within the wall cavity.

(v) A roof framing system consisting of roof trusses or equivalent framing members installed at a maximum spacing of 16" o.c.

(vi) The sheathing shall not be placed in contact with heat sources such as chimneys, heater vents or other surfaces which provide long term exposure to temperatures above 150° F. Clearance from the sheathing to the heat source shall be provided in accordance with NFPA 89M, heat producing appliance clearances.

(vii) A vapor barrier is provided on the warm side of the wall and ceiling cavity in accordance with subpart F of the standards.

(viii) The sheathing is installed in accordance with the manufacturers installation instructions including the provision for controlling joint locations by either the use of tongue and groove sheathing or by placement of joints over structural framing members.

[FR Doc.76–17964 Filed 6–16–76;2:24 pm]