AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

12
271-200
G 5M

Vol.41—No.128
7–1–76

PAGES
27023–27308

federal register

THURSDAY, JULY 1, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

highlights

PART I:

BICENTENNIAL INDEPENDENCE DAY
Presidential proclamation 27023

TRANSPORTATION BETWEEN MALL AND NATIONAL VISITOR CENTER
Interior/NPS authorizes additional interpretive services .. 27098

ALCOHOLIC BEVERAGES
HEW/FDA postpones effective date of labeling requirements enforcement to 1–1–78 27102

HUMAN BLOOD AND BLOOD PRODUCTS
HEW/FDA amends labeling requirements for Source Plasma; effective 7–1–76 27034

SCHEDULE FOR RATING DISABILITIES
VA proposes extending convalescent periods; comments by 7–30–76 27086

COOPERATIVES
USDA/CCC clarifies pooling and recordkeeping requirements for marketing associations participating in authorized price support programs; effective 7–1–76 27077

AIR-BRAKED TRAILER REBUILDING
DOT/NHTSA expands permissible reuse of running gear assemblies; effective 7–1–76 27073

ANTIBIOTIC DRUGS
HEW/FDA proposes minimum shelf-life potency for benzylpenicilloyl polylysine; comments by 8–30–76 27082
HEW/FDA proposes revised moisture limit and testing method for erythromycin and erythromycin stearate tablets; comments by 8–30–76 27083

FEDERAL SUPPLY SCHEDULE
GSA revises stock purchasing program procurement procedures; effective 6–25–76 27037

WAREHOUSES
USDA/CCC revises standards for storage and handling of cotton or cotton linters; effective 7–1–76 27078

FLUE-CURED TOBACCO
USDA/CCC sets grade loan rates for 1976 crop; effective 7–1–76 27080

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY
HEW/OE announces availability of annual Advisory Committee report 27101

CONTINUED INSIDE

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
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	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.

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

federal register
Area Code 202 Phone 523–5240

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

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

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

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

FREEDOM OF INFORMATION
DOD amends procedures and organization for implementation (3 documents) 27075

PRIVACY ACT
EEOC proposes additional routine use for systems of records 27112

MEETINGS—
Arms Control and Disarmament Agency: General Advisory Committee, 7–29 and 7–30–76 27109
CFTC: Advisory Committee on State Jurisdiction and Responsibilities, 8–11–76 27111
DOD: High Energy Laser Review Group, 7–27 and 7–28–76 27090
Interior/NPS: Gateway National Recreation Area Advisory Commission, 7–19–76 27098
BLM: Albuquerque District Multiple Use Advisory Board, 7–29–76 27096
Worland District Multiple Use Advisory Board, 7–29 and 7–30–76 27097
DOT/FAA: Radio Technical Commission for Aeronautics Executive Committee, 7–23–76 27104
USDA/CSRS: Committee of Nine, 8–4 and 8–5–76 27098
NRC: Advisory Committee on Reactor Safeguards:
Emergency Core Cooling Systems Subcommittee, 7–21 and 7–23–76 (2 documents) 27137, 27138
Shippingport Atomic Power Station Subcommittee, 7–21–76 27138
Waste Management Subcommittee, 7–22–76 27139
Working Group on Peaking Factors, 7–21–76 27140

PART II:

ARCHITECTURAL BARRIERS
Architectural and Transportation Barriers Compliance Board publishes additional guidelines for systems development standards 27191

PART III:

HEAD START
HEW/HDO publishes Final Program Performance Standards Self-Assessment/Validation Instrument 27197

PART IV:

CAPITAL AND OPERATING ASSISTANCE FUNDS
DOT/UMTA announces transition quarter and FY 1977 formula apportionment 27277

PART V:

MEDICAID
HEW/SRS regulations on reimbursement of skilled nursing and intermediate care facilities; effective 7–1–76 27299

contents

THE PRESIDENT

Proclamations
Bicentennial Independence Day 27023

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules
Milk marketing orders:
Western Chicago 27077
Oranges (Valencia) grown in Ariz. and Calif 27076

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Cooperative State Research Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

Notices
Meat import limitations; third quarterly estimates 27099

ALCOHOL, TOBACCO, AND FIREARMS BUREAU

Rules
Personal property; seizure and disposition:
Wagering tax laws 27034

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Nederlandsche Conbinatie Voor Chemische Industrie, et al 27090

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Notices
Compliance system development; guidance 27191

ARMS CONTROL AND DISARMAMENT AGENCY

Notices
Meetings:
General Advisory Committee 27109

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Federal Graphics Evaluation Advisory Panel 27135

CIVIL AERONAUTICS BOARD

Notices
Fares, domestic passenger; increase; various carriers 27109
Hearings, etc.:
Aditional Dallas/Ft. Worth-Kansas City nonstop service case 27109
International Air Transport Association 27110

COAST GUARD

Rules
Drawbridge operations:
Florida 27035
Security zones:
Block Island Sound, et al 27035
Connecticut 27035
Delaware; republication 27036
Delaware Bay, et al 27036
Pennsylvania 27036

Notices
Environmental statements; availability, etc.:
Bridge permit actions; procedures for consideration 27103

COMMERCE DEPARTMENT

See Domestic and International Business Administration.

COMMODITY CREDIT CORPORATION

Rules
Loan and purchase programs:
Cooperative Marketing Associations 27077
Cotton 27078
Tobacco 27080

COMMODITY FUTURES TRADING COMMISSION

Notices
Meetings:
Advisory Committee on State Jurisdiction and Responsibilities 27111

CONSUMER PRODUCT SAFETY COMMISSION

Notices
Television receivers; denial of requests; extensions of time 27111

COOPERATIVE STATE RESEARCH SERVICE

Notices
Meeting:
Committee of Nine 27098

CONTENTS

CUSTOMS SERVICE

Rules

Liquidation of duties; countervailing duties:
Cheese from Sweden (2 documents) 27031

DEFENSE DEPARTMENT

Rules

Freedom of Information (3 documents) 27075

Notices

Meeting:
DDR&E High Energy Laser Review Group (HELRG) 27090

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty free entry:
State University of New York, Buffalo 27101

EDUCATION OFFICE

Notices

Annual report:
Advisory Committee on Accreditation and Institutional Eligibility 27101
Audit appeal application, Title I:
Iowa 27101

ENVIRONMENTAL PROTECTION AGENCY

Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Terbacil; correction 27036

Notices

Food additive petitions:
E. I. duPont de Nemours and Co 27112
Pesticide registration:
Applications (6 documents) .. 27112–27120
Pesticides, specific exemption and experimental use permits:
Agriculture Department; insecticide on citrus 27120
Ansul Co.; monosodium acid methanearsonate on wheat ... 27120
Arkansas University; fungus spores on rice and soybeans .. 27120
Ciba-Geigy Corp.; herbicides on corn 27120
Guam Department of Public Health and Social Services; sodium monofluoroacetate; to control feral and stray dogs .. 27120
Gulf Oils Chemical Co.; miticide malonoben on citrus, apples and pears 27121
Gulf Oil Chemical Co.; herbicides on industrial and nonagricultural sites 27122
Sandoz, Inc.; insecticides on field corn 27122

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notices

Privacy Act of 1974; additional use for system of records 27112

FARMERS HOME ADMINISTRATION

Rules

Security servicing and liquidations:
Chattel security 27081

Notices

Disaster areas:
Iowa 27098
Kentucky 27099
Mississippi 27099

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Beech 27026
Britten-Norman Ltd 27026
DeHavilland 27027
Fairchild 27027
Grumman 27028
McDonnell Douglas 27028
Schweizer 27029
Restricted area 27030
Transition area (3 documents) 27029, 27030
Transition area; correction 27029
Transition area; effective date correction 27029

Proposed Rules

Airworthiness directives:
Boeing 27084
General Electric 27084
Control area; establishment 27084
Transition areas (2 documents) .. 27085

Notices

Meeting:
Radio Technical Commission for Aeronautics Executive Committee 27104

FEDERAL ENERGY ADMINISTRATION

Notices

Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office:
List of applicants (2 documents) 27122, 27125
Environmental statements; availability, etc.:
Public Service Co 27127

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
Estrella Forwarding Co 27127
Agreements filed, etc.:
American Cruise Lines, Inc 27127
U.S. West Coast/Japan Trade and U.S. Atlantic and Gulf/Japan Trade 27127

FEDERAL POWER COMMISSION

Rules

General policy and interpretations:
Hydroelectric project licenses; specified reasonable rate of return 27030

Notices

Hearings, etc.:
Algonquin Gas Transmission Co 27128
Cincinnati Gas & Electric Co ... 27128
Cities Service Oil Co 27128
Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co 27129
Connecticut Light and Power Co 27129
East Tennessee Natural Gas Co 27129
El Paso Natural Gas Co 27129
Georgia Power Co 27129
High Island Offshore System .. 27130
Idaho Power Co 27131
Independent Oil & Gas Association of West Virginia 27131
Inexco Oil Co 27131
Iowa Power and Light Co 27132
North Penn Gas Co 27133
Northern Natural Gas Co 27133
Virginia Electric and Power Co 27133

FEDERAL REGISTER OFFICE

Rules

CFR checklist; 1976 issuances ... 27025

FEDERAL RESERVE SYSTEM

Rules

Authority delegation:
Secretary of the Board 27026

Notices

Interest on deposits:
Early withdrawal penalty; order granting temporary suspension 27134
Applications, etc.:
Hampton Bankshares Corp. et al 27133

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Simeon Management Corp. et al.; correction 27030

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Follicle stimulating hormone-pituitary for injection 27033
Oleate sodium solution 27033
Biological products:
Source plasma and whole blood (human); labeling requirements; extension of effective date 27034

Proposed Rules

Human drugs:
Benzylpenicilloyl-polylysine injection; minimum shelf-life potency 27082
Erythromycin tablets and erythromycin stearate tablets; testing methods 27083

Notices

Alcoholic beverages; labeling requirements; effective date postponement 27102
Animal drugs:
Injectable iron 27102
PTZ powder 27102

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Snake River Land Use Plan ... 27099

GENERAL SERVICES ADMINISTRATION

Rules

Procurement:
Stock Purchasing and Federal Supply Schedule Programs ... 27037

Notices

Property management regulations, temporary:
Reduction in motor vehicle fuel consumption ... 27134

HAZARDOUS MATERIALS OPERATIONS OFFICE

Notices

Applications; exemptions, renewals, etc.:
Ethyl Corp., et al ... 27104

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Human Development Office; Social and Rehabilitation Service.

Notices

Organization and functions:
Office of the Assistant Secretary for Administration and Management ... 27103

HUMAN DEVELOPMENT OFFICE

Notices

Program performance standards:
Head Start ... 27197

INDIAN AFFAIRS BUREAU

Proposed Rules

Enrollment:
Lower Skagit, Kikiallus, Swinomish and Samish Tribes ... 27082

Notices

Land transfer:
Pueblo of Acoma, N. Mex ... 27095
Law and order determination:
Colville reservation, confederated tribes, Wash ... 27095

INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Certain soldier removal wicks ... 27134

INTERSTATE COMMERCE COMMISSION

Notices

Operating rights applications ... 27144

JUSTICE DEPARTMENT

See Antitrust Division.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (3 documents) ... 27097
Wyoming ... 27098
Mailing address change; Billings District ... 27096
Meetings:
Albuquerque District Multiple Use Advisory Board ... 27096
Worland District Multiple Use Advisory Board ... 27097
Segregation of lands:
Alaska (2 documents) ... 27096
Withdrawal and reservation of lands, proposed, etc.:
California (2 documents) ... 27096, 27097

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ... 27141

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Trailer manufacturing; used components ... 27073

Notices

Motor vehicle safety standards; temporary exemption petitions:
British Leyland UK Ltd ... 27108
Sutphen Fire Equipment Co. and W. U. Sigler; petition denials ... 27108

NATIONAL PARK SERVICE

Notices

Meeting:
Gateway National Recreation Area Advisory Commission ... 27098
Transportation between Mall and National Visitor Center; additional interpretive services ... 27098

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Aircraft accidents; investigation hearings (2 documents) ... 27137
Safety recommendations and accident reports; availability, responses, etc ... 27135

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Licensing of production and utilization facilities; early site reviews and limited work authorizations; extensions of comment period ... 27085

Notices

Boston Edison Co., et al; generating station, unit 2 ... 27137
Meetings:
Advisory Committee on Reactor Safeguards:
Emergency Core Cooling Systems Subcommittee (2 documents) ... 27137, 27138
Shippingport Atomic Power Station Subcommittee ... 27138
Waste Management Subcommittee ... 27139
Working Group on Peaking Factors ... 27140
Applications, etc.:
Public Interest Research Group, et al ... 27141

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Midwest Stock Exchange, Inc ... 27142

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Beauhan Minority Investment Corp ... 27142
Taroco Capital Corp ... 27143
Minimum interest rates; establishment for certain lending institutions ... 27143

SOCIAL AND REHABILITATION SERVICE

Rules

Skilled nursing and intermediate care facility services; reimbursement on reasonable cost-related basis ... 27299

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Hall-Flat Creek, Ind ... 27100
Honolua, Hawaii ... 27100
Mill Branch, Ga ... 27100
Pine River, Wis ... 27100
Will Neill, Miss ... 27100

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton textiles:
Columbia ... 27110

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Hazardous Materials Operations Office; National Highway Traffic Safety Administration; Urban Mass Transportation Administration.

Notices

Nondiscrimination; equal employment opportunity noncompliance; Federal assistance; proposed ineligibility:
Hancock & Kelley Construction Co ... 27108

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau, Customs Service.

URBAN MASS TRANSPORTATION ADMINISTRATION

Notices

Capital and operating assistance funds; transition quarter and FY 1977 formula apportionment ... 27277

VETERANS ADMINISTRATION

Proposed Rules

Disabilities; extension of convalescent rating periods ... 27086

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: BILL SHORT, 523–5282

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:

4446 27023

7 CFR

908 27076
1134 27077
1425 27077
1427 27078
1464 27080
1871 27081

10 CFR

PROPOSED RULES:

2 27085
50 27085

12 CFR

265 27026

14 CFR

39 (7 documents) 27026–27029
71 (5 documents) 27029, 27030
73 27030

14 CFR—Continued

PROPOSED RULES:

39 (2 documents) 27084
71 (3 documents) 27084, 27085

16 CFR

13 27030

18 CFR

2 27030

19 CFR

159 (2 documents) 27031

21 CFR

522 (2 documents) 27033
640 27034

PROPOSED RULES:

440 27082
452 27083

25 CFR

PROPOSED RULES:

41 27082

27 CFR

72 27034

32 CFR

286 27074
296 27074
297 27074

33 CFR

117 27035
127 (5 documents) 27035, 27036

38 CFR

PROPOSED RULES:

4 27086

40 CFR

180 27036

41 CFR

Ch. 5A 27037

45 CFR

250 27300

49 CFR

571 27073

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27023–27308	July 1

reminders

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

Rules Going Into Effect Today

CPSC—Swimming pool slides; amendment to safety standards..... 23186; 6–9–76

DOT/FAA—Standard instrument approach procedures; Crescent City, Calif. 23376; 6–10–76

Standard instrument approach procedures; Orlando, Fla. 23376; 6–10–76

Standard instrument approach procedures; recent changes and additions..... 19621, 20652; 5–13–76, 5–20–76

FHA—Realignment of Federal-Aid highway systems..... 42344; 9–12–75

FRA—Special notice and emergency order procedures; railroad track, locomotives and equipment; standard forms..... 18656; 5–6–76

MTB—Classification of corrosive hazards; aluminum..... 41527; 9–8–75

FCC—Amateur radio service; special call signs..... 17734; 4–28–76

Frequency allocations and radio treaty matters, general rules and regulations; private operational-fixed microwave service..... 53393; 11–18–75

Table of assignments; FM broadcast stations; Ore..... 23955; 6–14–76

FEA—Mandatory petroleum allocation and price regulation (2 documents). 24516, 24518; 6–16–76

GSA—Federal Procurement Regulations; contract clauses..... 19312, 22816; 5–12–76, 6–7–76

ICC—Increased minimum cargo liability limits; Forms BMC 32 and FF 32. 14875; 4–8–76

Labor/W&H— Wage order; American Samoa..... 24121; 6–15–76

PS—Postal Service Manual; sexually oriented advertisements..... 22039; 6–1–76

Treasury/AT&F—Wine; records and tax determination for metric containers. 21771; 5–28–76

USDA/AMS—Cotton and cottonseed; revision in fees for classing, sampling, and certification..... 20680; 5–20–76

Federal Seed Act regulations. 20155; 5–17–76

Fruits, vegetables and other products; standards for grades..... 21335; 5–25–76

Potato Research and Promotion Plan; expenses and rate of assessment. 22072; 6–1–76

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.

S. 18..... Pub. Law 94–319

An act to amend the Act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes. (June 25, 1976; 90 Stat. 709)

Table of Effective Dates and Time Periods—July 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 16	August 2	August 16	August 30	September 29
July 2	July 19	August 2	August 16	August 31	September 30
July 6	July 21	August 5	August 20	September 7	October 4
July 7	July 22	August 6	August 23	September 7	October 5
July 8	July 23	August 9	August 23	September 7	Ocotber 6
July 9	July 26	August 9	August 23	September 7	October 7
July 12	July 27	August 11	August 26	September 10	October 12
July 13	July 28	August 12	August 27	September 13	October 12
July 14	July 29	August 13	August 30	September 13	October 12
July 15	July 30	August 16	August 30	September 13	October 13
July 16	August 2	August 16	August 30	September 14	October 14
July 19	August 3	August 18	September 2	September 17	October 18
July 20	August 4	August 19	September 3	September 20	October 18
July 21	August 5	August 20	September 7	September 20	October 19
July 22	August 6	August 23	September 7	September 20	October 20
July 23	August 9	August 23	September 7	September 21	October 21
July 26	August 10	August 25	September 9	September 24	October 26
July 27	August 11	August 26	September 10	September 27	October 26
July 28	August 12	August 27	September 13	September 27	October 26
July 29	August 13	August 30	September 13	September 27	October 27
July 30	August 16	August 30	September 13	September 28	October 28

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
Patent—Patent Office
TS—Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Title 3—The President

PROCLAMATION 4446

Bicentennial Independence Day

By the President of the United States of America

A Proclamation

The Continental Congress by resolution adopted July 2, 1776, declared that thirteen American colonies were free and independent states. Two days later, on the fourth of July, the Congress adopted a Declaration of Independence which proclaimed to the world the birth of the United States of America.

In the two centuries that have passed, we have matured as a nation and as a people. We have gained the wisdom that age and experience bring, yet we have kept the strength and idealism of youth.

In this year of our Nation's Bicentennial, we enter our third century with the knowledge that we have achieved greatness as a nation and have contributed to the good of mankind. We face the future with renewed dedication to the principles embodied in our Declaration of Independence, and with renewed gratitude for those who pledged their lives, their fortunes and their sacred honor to preserve individual liberty for us.

In recognition of the two hundredth anniversary of the great historic events of 1776, and in keeping with the wishes of the Congress, I ask that all Americans join in an extended period of celebration, thanksgiving and prayer on the second, third, fourth and fifth days of July of our Bicentennial year—so that people of all faiths, in their own way, may give thanks for the protection of divine Providence through 200 years, and pray for the future safety and happiness of our Nation.

To commemorate the adoption of the Declaration of Independence, the Congress, by concurrent resolution adopted June 26, 1963 (77 Stat. 944), declared that its anniversary be observed by the ringing of bells throughout the United States.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim that the two hundredth anniversary of the adoption of the Declaration of Independence be observed by the simultaneous ringing of bells throughout the United States at the hour of two o'clock, eastern daylight time, on the afternoon of the Fourth of July, 1976, our Bicentennial Independence Day, for a period of two minutes, signifying our two centuries of independence.

I call upon civic, religious, and other community leaders to encourage public participation in this historic observance. I call upon all Americans, here and abroad, including all United States flag ships at sea, to join in this salute.

As the bells ring in our third century, as millions of free men and women pray, let every American resolve that this Nation, under God, will meet the future with the same courage and dedication Americans showed the world two centuries ago. In perpetuation of the joyous ringing of the Liberty Bell in Philadelphia, let us again "Proclaim Liberty throughout all the Land unto all the Inhabitants thereof."

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

Gerald R. Ford

[FR Doc.76-19301 Filed 6-29-76;4:18 pm]

rules and regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	$6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80

CFR Unit (Rev. as of April 1, 1976):

Title	Price
18 Parts:	
1–149	4.85
150–end	4.10
20 Parts:	
1–399	2.45
21 Parts:	
1–9	2.60
200–299	2.10
300–499	*5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
24 Parts:	
0–499	6.65
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
2–29	4.05
30–39	3.45
300–499	3.60
600–end	2.20
27	7.70

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
0–499	5.90
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	$5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
38	7.10
39	3.10
40 Parts:	
0–49	2.90
50–69	6.90
70–99	4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
9 (Rev. 11–1–75)	3.90
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20
General Index	3.05

*Previously announced price of $2.75 for this volume, listed on back of FEDERAL REGISTER dated May 7, 1976, was in error.

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	$5.15
43 Parts:	
1–999	2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.30
200–999	5.90
1000–1199	8.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0046]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to Secretary of Board

In order to ensure that administrative changes in the structure of the staff of the Board of Governors of the Federal Reserve System are promptly reflected by corresponding changes in its regulations, the Board has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) pursuant to the provisions of Section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Secretary of the Board authority to so conform its published rules.

Effective June 23, 1976, § 265.2(a)(15) is added to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

(a) The Secretary of the Board (or, in his absence, the Acting Secretary) is authorized:

* * * * *

(15) Under the provisions of section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)) to conform references to administrative positions or units in outstanding rules and regulations of the Board to changes in the administrative structure of the Board.

* * * * *

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(a)(15) because the change involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, June 23, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary.

[FR Doc.76-19067 Filed 6-30-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-16-AD; Amdt. 39-2653]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models E55, E55A, 58, 58A, B60 and BH125-600A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech Models E55, E55A, 58, 58A, and B60 airplanes was published in the FEDERAL REGISTER on May 17, 1976 (41 F.R. 20174). This proposal, if adopted, would require inspection of the terminal block assemblies for improperly installed terminal bolts (bolt heads not recessed) and a rework or replacement of any faulty terminal block assemblies discovered during said inspection.

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

Subsequent to the issuance of the proposal, the manufacturer has advised the FAA that 16 Beech Model BH125-600A airplanes may have faulty terminal block assemblies installed. Accordingly, the same unsafe condition exists or could develop in these airplanes as well as those covered by the proposal. Since no comments were received with respect to the Notice of Proposed Rule Making and this matter is not controversial, the FAA does not believe that any comments would be forthcoming if a supplemental NPRM were issued to include the affected Beech Model BH125-600A airplanes. Therefore, an adopted rule is being issued which will apply to the 16 Beech Model BH125-600A airplanes as well as to the Beech Models E55, E55A, 58, 58A and B60 airplanes. Further notice and public procedure hereon are considered impracticable and safety in air commerce and the public interest dictates that this amendment be made 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 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models E55 and E55A (Serial Numbers TE-969 thru TE-1009, TE-1011 thru TE-1021, TE-1023 thru TE-1029 and TE-1032 thru TE-1034) airplanes; Models 58 and 58A (Serial Numbers TH-441 thru TH-482, TH-484 thru TH-541, TH-543 thru TH-547, TH-549 thru TH-555, TH-557 thru TH-595, TH-597 thru TH-602, TH-604, TH-605, TH-607 and TH-609) airplanes; Model B60 (Serial Numbers P-272 thru P-307, P-309 thru P-326, P-328 thru P-330), and Model BH125-600A (Serial Numbers 256001, 256002, 256004, 256007, 256009, 256010, 256011, 256013, 256014, 256016, 256018, 256020, 256022, 256023, 256032, and 256034) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent complete loss of electrical power or damage to the engine firewall, either within the next 100 hours' time in service after the effective date of this AD, or at the next 100 hour, annual or progressive inspection after the effective date of this AD, whichever alternative occurs first, accomplish the following:

(A) Inspect the terminal block assemblies and rework or replace where necessary in accordance with the following procedures:

1. Locate the terminal block assemblies mounted on:

(a) The aft right side of the forward cabin bulkhead on Models E55, E55A, 58 and 58A.

(b) The inboard side of the left nacelle firewall and the outboard side of the right nacelle firewall on Model B60. Both are on the forward side of the firewall.

(c) The APU relay panel assembly and the right hand side of the horizontal cross member at frame 24 on Model BH125-600A.

2. Disconnect the battery and remove structure as necessary to gain access to the terminal block assemblies.

3. Remove the current limiters from the terminal block assemblies and then remove the terminal block assemblies.

4. Visually inspect the terminal block assemblies to determine if the bolt heads are properly recessed. A properly recessed bolt should be mounted from .010 inches to 0.70 inches below flush within the terminal block base.

5. If the bolt heads are not properly recessed, either remove the bolts and rework the holes to accept the bolt heads at the correct depth or discard the terminal block assembly and install a Beech P/N 103-27 terminal block assembly.

6. Inspect the insulator strips. If they are cracked or broken, either fabricate new strips from equivalent phenolic material or obtain new strips, Beech P/N 103-26.

7. Reinstall the terminal block assemblies, current limiters and all removed structure. Reconnect the battery.

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

Beechcraft Service Instructions Nos. 0754-350 for models E55, E55A, 58, 58A and B60 and No. 125-018, Rev. 1 for model BH125-600A or later FAA-approved revisions cover the subject matter of this AD.

This amendment becomes effective July 6, 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 Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on June 21, 1976.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.76-18753 Filed 6-30-76;8:45 am]

[Docket No. 15857; Amdt. 39-2660]

PART 39—AIRWORTHINESS DIRECTIVES

Britten-Norman Islander Series Airplanes

There have been reports of incorrect settings of micro-switch mechanisms installed on certain Britten-Norman Islander airplanes that could result in the retraction of the flaps to a position less than the normally retracted position and subsequent unsafe change in the airplane

stall characteristics. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires a visual inspection, and correction as necessary, of the UP flap position on all Britten-Norman Islander series airplanes which incorporate Britten-Norman Modification No. NB/M/430.

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.

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

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:

BRITTEN-NORMAN LTD. Applies to Islander Models BN-2, BN-2A, BN-2A-2 BN-2A-3, BN-2A-6, BN-2A-8, BN-2A-9, BN-2A-20 and BN-2A-21 airplanes, certificated in all categories, which incorporate Britten-Norman Modification No. NB/M/430.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent inadvertent retraction of the flaps beyond the normal 6 degree droop position, accomplish the following:

(a) Perform a visual inspection of the flap retract position in accordance with the Inspection paragraph of Britten-Norman Service Bulletin No. BN-2/SB.66, dated August 3, 1973, or an FAA-approved equivalent.

(b) If the flap retract position is found to be out of tolerance, before further flight, adjust the flap actuator in accordance with Rectification paragraphs 1, 2, 3, and 4 of Britten-Norman Service Bulletin No. BN-2/SB.66, dated August 3, 1973, or an FAA-approved equivalent.

NOTE.—Material L65, specified in Fig. 1 of Britten-Norman Service Bulletin No. BN-2/SB.66, dated August 3, 1973, is the same as Alum. Alloy U.S. QQA-261 (AL 14S).

This amendment becomes effective July 15, 1976.

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

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-18910 Filed 6-30-76;8:45 am]

[Docket No. 76-EA-36; Amdt. 39-2654]

PART 39—AIRWORTHINESS DIRECTIVE

De Havilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to De Havilland DHC-6 type airplanes.

There have been reports that installation of wing tip strobe lights on the DHC-6 has resulted in the puncturing of the lightning strike protection bonding strap. This causes the area of the strap in the puncture area to be diminished resulting in increased resistance in the wire and possible damage to the aircraft.

Since this deficiency can exist or develop in airplanes of similar type design, an airworthines directive is being issued which will require an inspection and where necessary the installation of a doubler.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the 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 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

DEHAVILLAND. Applies to DeHavilland Model DHC-6 series Twin Otter aircraft serial nos. 1 thru 430 incorporating wing tip strobe lighting. Compliance required as indicated:

To restore the aircraft lightning strike protection to its original status, as a result of excessive removal of lightning strike protection bonding strap material, during the installation of the wing tip strobe lights, accomplish the following:

(a) Within the next 100 hours in service after the effective date of this AD, accomplish the alteration to the aircraft wing tips in accordance with "Accomplishment Instructions" in DeHavilland DHC-6 Service Bulletin No. 6/318, dated January 3, 1975, or later revision, or equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective July 6, 1976.

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

Issued in Jamaica, N.Y., on June 22, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-18913 Filed 6-30-76;8:45 am]

[Docket No. 76-EA-34; Amdt. 39-2658]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to F-27 and FH-227 type airplanes.

There have been reports of broken and loose bolts in both right and left upper engine mount fittings. Since this is a deficiency which can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require a repetitive inspection until certain type bolts have been replaced. An emergency notification had been released on this subject and is replaced by this airworthiness directive.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the 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 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

FAIRCHILD: Applies to F-27 and FH-227 Type Airplanes, certificated in all categories.

Compliance required as indicated for all airplanes with 7500 hours in service on the upper engine mount attachment bolts AN4, AN5, AN6 and their nuts:

(a) For F-27J, F-27M and FH-227 Type Airplanes, perform the inspections (1) through (4) specified in (c) below within the next 25 hours in service or four days, whichever occurs first, unless accomplished within the last 125 hours in service and at intervals thereafter not to exceed 150 hours in service from the last inspection.

(b) For F-27, F-27A, F-27B and F-27F Type Airplanes, perform the inspections (1) through (4) specified in (c) below within the next 300 hours in service or 90 days, whichever occurs first, unless accomplished within the last 300 hours in service or 90 days and at intervals thereafter not to exceed 600 hours in service or 180 days, whichever occurs first, from the last inspection.

(c) Inspect all engine mount attachment bolts on all upper inboard and outboard engine mount fittings, P/N 27-110105 or P/N 01-110105 as follows:

(1) Visually check all bolts for gaps under bolt heads and looseness.

(2) Torque bolts to check for tightness without exceeding standard torque values for bolt heads.

(3) Check for gap between fitting and spar web using a .0015 feeler gage, by placing feeler gage between AN6 and AN4 bolt locations on both sides of the fitting.

(4) Where gaps in excess of .0014, looseness, broken bolts, or any bolt rotation is found, AN4, AN5, or AN6 bolts and their respective AN or NAS Nuts, must be replaced before further flight with unused AN Bolts and AN or NAS Nuts with the same part number or with the respective NAS 1304, NAS 1305 or NAS 1306 bolts, using MS21042 nuts or with equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) For F-27J, F-27M and FH-227 Type Airplanes, within the next 900 hours in service or one year, whichever comes first, after the effective date of this AD, unless already accomplished, replace all AN Bolts with those bolts and nuts specified in (c)(4).

(e) For F-27, F-27A, F-27B and F-27F Type Airplanes, within the next 1800 hours in service or two years, whichever comes first, after the effective date of this AD, unless already accomplished, replace all AN Bolts with those bolts and nuts specified in (c)(4).

(f) If unused AN Bolts and AN or NAS Nuts are used for replacement, upon the accumulation of 7500 hours in service, the inspections specified in (a) or (b) and (c), and replacement in accordance with (d) or (e) must be accomplished.

(g) The repetitive inspection required by (a) or (b) and (c) may be discontinued when all AN4, AN5 and AN6 Bolts are replaced by

the NAS Bolts and MS Nuts specified in (c)(4).

(h) The repetitive inspection compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

(i) Report the results of the initial inspection findings, required by this AD, to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region (Reporting Approved by the Office of Management and Budget under OMB No. CA-R0174).

(Fairchild Service Bulletins F27-54-22 and FH227-54-16 pertain to this subject.)

This amendment is effective July 7, 1976.

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

Issued in Jamaica, N.Y., on June 23, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-19071 Filed 6-30-76;8:45 am]

[Docket No. 76-EA-14; Amdt. 39-2657]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman G-164 type airplanes.

There have been reports of cracks in the main landing gear struts. Since this deficiency which can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection of the struts and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the 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 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

GRUMMAN AMERICAN. Applies to Model G-164 and G-164A Ag-Cat Airplanes, S/N 1 through 1964 certificated in all categories.

Compliance required as indicated.

To prevent possible hazards associated with main landing gear strut failures, accomplish the following:

(a) For airplanes equipped with Grumman American main landing gear struts P/N A1515-11, -12, P/N A1530-11, -12, and Cessna struts P/N 0341109-1, -2:

(1) Within the next 100 landings after the effective date of this airworthiness directive, unless accomplished within the last 4400 landings, remove the gear struts and inspect the struts for cracks for a length of 18 inches outboard from the innermost attachment point at the fuselage, using dye penetrant or magnetic particle inspection procedures in accordance with Grumman American Aviation Corporation Ag-Cat Service Note No. 13, or with an FAA approved equivalent inspection procedure.

(2) Repeat the inspections of paragraph (a)(1) of this section at intervals not to exceed 4500 landings.

(3) Inspect the struts for crack and corrosion damage for a length of 12 inches outboard from the strut clamps, using dye penetrant inspection procedures, at each 1000 landings following the inspections specified in paragraph (a)(1) and (a)(2) of this section. This inspection can be conducted without removing the gear struts from the aircraft.

(b) Replace cracked or corroded parts prior to further flight with unused struts, Grumman American P/N A1530-33, -34 or with FAA approved equivalent parts.

(c) For the purpose of complying with this airworthiness directive, subject to the acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(d) Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time in this AD.

This amendment is effective July 7, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1953 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Jamaica, N.Y., on June 23, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-19070 Filed 6-30-76;8:45 am]

[Airworthiness Docket No. 76-WE-2-AD; Amdt. 39-2652]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require relocation of the portable oxygen units, or an equivalent modification, in the lower galley on Douglas DC-10 series airplanes was published in 41 F.R. 9366. In connection with its investigation of a DC-10 accident involving depressurization, the National Transportation Safety Board recommended (A-74-11) a more accessible location for the portable oxygen units in the lower galley. To improve accessibility to the portable units, particularly during an emergency, and since this condition is likely to exist on other airplanes of the same type, an airworthiness directive is being issued to require relocation of the portable oxygen units.

Interested persons have been afforded an opportunity to patricipate in the making of this amendment, eight of whom responded.

Four comments were received stating that there was no basis for relocating the portable oxygen units, although one of these commentators indicated that the units in its fleet were voluntarily being relocated to the port side of the attendant seats. Two commentators stated that installation of 84-inch hoses on the two drop-out masks should be the only action required. Also, one commenator recommended withdrawal of the proposed AD. The FAA does not agree. The FAA has concluded that in order to alleviate a possible unsafe condition, the portable units must be relocated for greater accessibility.

One commentator recommended that one unit each be located in the forward and aft end of the galley. One commentator noted that its fleet had been modified with one demand unit located to the port side of the attendant seats and a standard unit located aft in the galley. Two commentators recommended that the units be located to be readily available in the event of any emergency. The FAA agrees. Since attendants in the lower galley will not normally be seated in the jump seats, units installed fore and aft, or to the port side of the attendant seats will be equally acceptable. Further, the FAA will consider other distribution arrangements that may be proposed.

One commentator recommended that if the relocated units are not immediately visible, placards should be required to note their location. The FAA does not agree. Placarding of the units is not considered necessary for attendants trained in the location and use of the units. Two commentators pointed out that the 3000-hour compliance time was excessive. The FAA does not agree. Subsequent to the referenced NTSB accident investigation, numerous reliability improvements were made to the DC-10 passenger oxygen system. Since many of these improvements were also incorporated in the lower galthe portable units are not intended to be ley drop-out oxygen system, and, since the primary source of oxygen in the event of decompression, the 3000-hour compliance time is not considered unreasonable.

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

MCDONNELL DOUGLAS. Applies to Douglas Model DC-10-10 and -30 series airplanes, certified in all categories, incorporating lower galleys.

Compliance required within the next 3000 hours' time in service after the effective date of this AD, unless already accomplished.

To provide better access to the portable oxygen units in the lower galley, relocate the two portable oxygen units originally installed outboard of the forward escape ladder in the lower galley to the port side of the forward bulkhead and adjacent to the attendant seats. Additional installations and/or other

locations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Special flight permits may be issued per FAR's 21.197 and 21.199 to operate airplanes to a base for the accomplishment of this AD.

This amendment becomes effective August 3, 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 Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Los Angeles, California on June 18, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-18752 Filed 6-30-76;8:45 am]

[Docket No. 76-EA-13; Amdt. 39-2659]

PART 39—AIRWORTHINESS DIRECTIVE

Schweizer Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Schweizer SGS 2-33 type glides.

There have been reports of rusted and split longerons in the forward and aft fuselage sections. It appears that water enters through the weld around the nose handle and being trapped in the tubes, freezes, causing the tubes to split and in some instances causing rust to form.

Since this deficiency can exist or develop in gliders of similar type design, an airworthiness directive is being issued which will require an inspection hole to be drilled and if drainage occurs, a further inspection for rust.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the 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 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

SCHWEIZER: Applies to SGS 2-33 and SGS 2-33A, S/N 1 through 200 SGU 2-22C, CK, EK, S/N 98-258

To prevent failure of the forward and aft fuselage tubular longerons due to internal rusting caused by entrapped water accomplish the following:

Within the next 30 days or 25 hours in service, whichever occurs first, after the effective date of this Airworthiness Directive, unless already accomplished, perform the following or an approved equivalent inspection.

(a) In the forward keel tube drill a No. 41 hole just ahead of the tow release slot.

(b) In the aft longerons drill a No. 41 hole approximately one inch forward of the weld cluster at the tail skid in the lower longerons.

(c) If there is any water drainage inspect for corrosion using x-ray or an approved equivalent inspection.

(d) Repair corroded parts prior to further flight, in accordance with an approved repair or replace with an unused part of the same part number or an approved equivalent part.

(e) Subsequent to the inspections, the No. 41 holes must be sealed with either a drive screw or a self plugging blind rivet. Holes may be enlarged to .125 inches for installation of a blind rivet. A waterproof sealant must be applied when installing the screw or rivet.

(f) Equivalent inspections, repairs or parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(g) If any corroded parts are found in accordance with (c) report the results of such inspections to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region (Reporting approved by the Bureau of the Budget under BOB No. CA-RO174) (Schweizer Service Bulletin No. 102-33-1 covers this subject and is considered an approved equivalent inspection).

This amendment is effective July 7, 1976.

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

Issued in Jamaica, N.Y., on June 23, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 76-19072 Filed 6-30-76;8:45 am]

[Airspace Docket No. 76-EA-17]

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

Correction to Effective Date

The effective date for the subject docket was published in the FEDERAL REGISTER as 0901 GMT July 15, 1976. Due to a delay in the commissioning of the ILS for runway 13 at ABE Airport, Allentown, Pennsylvania, the date is herewith changed to 0901 GMT December 30, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., June 18, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-18911 Filed 6-30-76;8:45 am]

[Airspace Docket No. 76-SW-12]

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

Alteration of Transition Area; Correction

On May 13, 1976, F.R. Document No. 76-13948 was published in the FEDERAL REGISTER (41 FR 19621). This document altered the Dallas-Fort Worth transition area.

A review of the document revealed that certain geographical coordinates were in error. Latitude 33°01'00" N. should read 33°00'15" N.; longitude 96°25'00" W. should read 96°25'15" W.; and latitude 32°51'00" N. should read 32°51'30" N. Action is taken herein to effect this correction.

As this correction is editorial in nature and imposes no additional burden on any person or persons, notice and public procedures are not considered necessary.

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

Issued in Fort Worth, Tex., on June 17, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-18754 Filed 6-30-76; 8:45 am]

[Airspace Docket No. 76-EA-42]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bloomsburg, Pa., Transition Area (41 FR 457).

There has been a revision to the VOR Rwy 8 approach procedure for Bloomsburg Municipal Airport, Bloomsburg, Pa. The changes to the transition area are minor in nature consisting widening the area by ½ mile but shortening it by 2½ miles.

Since this change is minor in nature notice and public procedure hereon are unnecessary and the amendment may be made in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. August 12, 1976, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Bloomsburg, Pa. transition area as follows:

Delete, "and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile radius area to the VORTAC." and insert in lieu thereof, "and within 3.5 miles each side of the Milton, Pa. VORTAC 099° radial, extending from the 7.5-mile radius area to 2.5 miles east of the VORTAC."

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 18, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-18912 Filed 6-30-76;8:45 am]

[Airspace Docket No. 76-SW-27]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to designate a transition area at Terrell, Tex.

On May 7, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 18865) stating the Federal Aviation Administration proposed to designate a transition area at Terrell, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

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

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition area is added:

TERRELL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terrell, Tex., Municipal Airport (latitude 32°43'00" N., longitude 96°16'00" W.).

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on June 17, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-18750 Filed 6-30-76;8:45 am]

[Airspace Docket No. 76-SW-16]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Rayville, La.

On April 15, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 F.R. 15869) stating the Federal Aviation Administration (FAA) proposed to designate a transition area at Rayville, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America (ATA) objected to the proposal on the basis that the change in status of the Rayville Municipal Airport from VFR to IFR operations and the establishment of an instrument approach procedure would create a significant impact on IFR operations at the Monroe Municipal Airport, Monroe, La. There are currently 30 daily scheduled airline operations that could be affected by the proposal. The ATA would favorably consider the proposal following the commissioning of terminal radar service at Monroe, La.

Aeronautical studies conducted by the FAA have concluded that instrument approaches to the Rayville Municipal Airport, Rayville, La., can be conducted, as proposed, without significant impact on IFR operations at the Monroe Municipal Airport. Sufficient capacity exists in the current air traffic control system at Monroe, La., to accommodate the limited number of IFR operations anticipated at the Rayville Municipal Airport with little or no air traffic delay expected in the Monroe terminal area. The FAA has, therefore, determined that it is in the best interest of all airspace users to change the Rayville Municipal Airport from VFR to IFR operations and designate a transition area as proposed.

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

§ 71.181 [Amended]

In § 71.181 (41 F.R. 440), the following transition area is added:

RAYVILLE, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rayville Municipal Airport (latitude 32°29'00" N., longitude 91°46'15" W.).

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

Issued in Fort Worth, Tex., on June 18, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-18751 Filed 6-30-76;8:45 am]

[Airspace Docket No. 76-WA-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-5101 Los Alamos, N. Mex., and to change the using agency from the Atomic Energy Commission to the Energy Research and Development Administration (ERDA).

The Energy Research and Development Administration has re-examined their needs for restricted area airspace at Los Alamos and concluded that a portion of the restricted area is no longer needed. The size of Restricted Area R-5101 can be reduced. A change in the using agency is necessary because the Atomic Energy Commission has been reorganized and replaced by the Energy Research and Development Administration.

This amendment relieves a restriction on the public and it is a minor amendment upon which the public should have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. As this action relieves a burden on the public, it may become effective on July 1, 1976 without regard to the statutory period of 30 days preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication of this amendment in the FEDERAL REGISTER, as hereinafter set forth.

§ 73.51 [Amended]

In § 73.51 (41 FR 684) the description of R-5101 Los Alamos, N. Mex., is amended to read as follows:

R-5101 LOS ALAMOS, N. MEX.

Boundaries. Beginning at Lat. 35°47'00" N., Long. 106°14'48" W.; to Lat. 35°50'03" N., Long. 106°21'36" W.; to Lat. 35°52'22" N., Long. 106°20'42" W.; to Lat. 35°52'52" N., Long 160°16'48" W.; to Lat. 35°52'30" N., Long. 106°14'48" W.; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Energy Research and Development Administration, Los Alamos, N. Mex.

(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 23, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-18909 Filed 6-30-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8996-0]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Simeon Management Corp., et al.

Correction

In FR Doc. 76-16811 appearing on page 23377 in the issue for Thursday, June 10, 1976 make the following correction:

In column 3, the 13th line should read "* * * *poration, and HCG Weight Clinics* * * *".

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM76-1: Order No. 550]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Specified Reasonable Rate of Return as Provided in Hydroelectric Project Licenses

JUNE 24, 1976.

On July 7, 1975, the Commission issued a Notice of Proposed Rulemaking in this proceeding (40 FR 29304, July 11, 1975) wherein it was proposed to add § 2.15 to the rules and regulations under the Federal Power Act (Act), relating to the specified reasonable rate of return required by section 10(d) of the Act (16 U.S.C. 803(d)) to be included in certain hydroelectric project licenses.

Several responses have been received in answer to the Commission's notice[1] commenting on and suggesting modifications to the proposed Statement of Policy. We have determined that the Alter-

[1] Although not all of the comments received were timely, all responses were nevertheless considered. See attachment for list of respondents.

native E [2] listed in the notice of proposed rulemaking as modified herein should be adopted as our Statement of Policy.

The principal modification to Alternative E is that the rate to be applied to the common equity ratio will be the bond rate on the Treasury Department's 10-year constant maturity series, plus four percentage points, (400 basis points), rather than the average return on common equity for the prior year. Under this method, the rate of return on common equity would be the same for all licensees. Therefore, any variances in the specified rate of return among licensees would result from the relative amount of long-term debt and related embedded cost rate; the relative amount and cost rate of preferred stocks; and the relative amount of common equity. The other modifications are minor in nature and are for the purpose of clarification.

We conclude that this method, which recognizes the unique capitalization structure of each licensee and changes in economic conditions over time, provides an appropriate basis for determining specified reasonable rates of return for use in computing amortization reserve requirements. In adopting this method, we recognize that it will not necessarily produce a fair rate of return for each licensee, nor do we believe that it should. It is significant to note here that in determining the amounts to be set aside in the amortization reserve, Congress did not provide that the earnings in excess of a "fair rate of return" should be the basis of the computation, but rather, earnings in excess of a "specified reasonable rate of return", which was required to be set forth in the license. Niagara Falls Power Co., 9 F.P.C. 228, 249 (1950).

It was argued that this alternative should not be adopted because it would utilize financing costs from all sources, rather than the costs of financing applicable to the licensed project. The capitalization structure of a utility is so intermingled that it would be impossible to determine with any specificity as to which funds are used to finance a particular licensed project.

It was suggested that the original alternative would be a problem with respect to those licensees with 100 percent common equity. With the modifications, those with 100 percent common equity would receive as their reasonable rate of return the aforementioned bond rate plus four percentage points (400 basis points). This estimate falls well within the range of appropriate returns for equity ratios with which we typically deal.

It was also argued by some respondents that this alternative lacks clarity, simplicity and uniformity. As pointed out in the comments this alternative is similar to the current rate-making methodology used in most jurisdictions and by the FPC, and, thus, should be clear to the licensees as to how to determine the rate of return. The modifications as to the alternative as noticed make clear what figures are to be used. The same method will apply uniformly to all licensees that must maintain amortization reserves. One respondent complained that prior year debt and preferred stock costs would be employed to determine current year excess earnings. This is not true, because same year cost of debt and preferred stock will be used to determine same year excess earnings.

As explained in the Notice of Proposed Rulemaking, for the last forty years the Commission has been issuing licenses with a requirement that for amortization reserve purposes a fixed six percent rate is the specified reasonable rate of return for the period of the license. Obviously, this fixed rate, or for that matter any fixed rate, cannot remain reasonable under all economic conditions that will occur during a period of up to fifty years. Therefore, we have now selected a method that will track changing economic conditions as reflected in each licensee's capital structure.

Under the method selected, the cost of the debt and preferred stock components of a licensee's capital structure are easily measured by contractual provisions or accounting conventions; the common equity component, however, is not. It is therefore necessary to select a readily available yardstick from which a reasonable estimate of the cost of equity funds can be made.

We believe that the Treasury Department's 10-year constant maturity series accomplishes this. The bond rate is readily available from the Treasury Department or the Federal Reserve Board and it is expected that the series will continue to be calculated and published for an indefinite period. This particular government bond series was chosen because it reflects the borrowing costs of the Federal Government, and in turn, the cost of capital of the country as a whole. Additionally, the rates derived from this series have historically followed the same general trend as the cost of equity funds as determined by the Commission in its rate decisions.

To the bond rates developed by the Treasury Department, it is necessary to add a percentage amount to reflect the traditionally higher cost of equity funds. We have selected four percent for this purpose because this figure over the years approximates a minimum differential between the bond rates and the typical return on common equity funds granted in FPC rate proceedings.

We are not adopting Alternatives B [3] or F [4] because we agree with the criticism that these alternative lack flexibility. It would be impossible to predict with any reliability whether a fixed rate would produce reasonable results over the amortization reserve term of a license.

Alternatives A [5] or D [6] were not adopted because these methods do not recognize variations in capital structures of different licensees and fail to adjust to changing current credit market conditions.

Alternative C [7] was not adopted because such a method would be subject to indeterminate time lags because of reliance upon state commission determinations, as well as variations in methodologies.

Because the changes made in the Statement of Policy as originally proposed result from suggestions and comments made by respondents to the Notice of Proposed Rulemaking, and because these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from the original proposal, no further notice prior our adoption of this rulemaking is necessary.

In view of the purpose, intent, and effect of the statement of policy herein adopted, good cause exists for making it effective upon issuance of this order. The specified reasonable rate of return as provided in this order will be contained in those licenses issued hereinafter. Those licensees with rehearings pending on recently issued licenses may receive the adopted alternative in the appropriate license article with the effective date that is contained in each license.

Licensees with outstanding licenses may seek to amend their licenses without further Commission action by informing the Commission's Secretary in writing of their wish to obtain the new specified reasonable rate of return. We are hereby authorizing the Secretary upon receipt of such request to change the appropriate license article to reflect the specified reasonable rate of return as adopted herein. The effective date of such change will be the date of receipt of each licensee's request. Licensees are given one year from the date of this order to file their request with the Secretary. Those licensees with pending applications for amendment of license pertaining to this subject will be issued an amendment of license by the Secretary, to be effective as of the date of this order.

The Commission finds: (1) Because the modifications prescribed herein that were not included in the notice in this proceeding are of a minor nature and are consistent with the prime purpose of this rulemaking, further notice and opportunity for comment is unnecessary.

(2) Good cause exists that the Statement of Policy herein adopted become effect upon the date of issuance of this order.

(3) Adoption of the Statement of Policy is appropriate and in the public interest in administering Part I of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858–859; 16 U.S.C. 825h) orders:

[2] Specified reasonable rate of return computed on the basis of licensee's average capitalization ratios and the embedded cost of long term debt and preferred stock.

[3] Eight percent per annum.

[4] Six percent per annum.

[5] One and one-half times a licensee's weighted average long-term debt cost rate.

[6] Weighted average long-term debt cost rate plus three percent.

[7] Six percent or the overall rate of return established by the State Commission.

§ 2.15 Specified reasonable rate of return.

(a) Pursuant to Section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be calculated annually based on current capital ratios developed from an average of 13 monthly balances of amounts properly includible in the licensee's long-term debt and proprietary capital accounts, as listed in the Commission's Uniform System of Accounts. The cost rate for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10-year constant maturity series) computed on the monthly average for the year in question, plus four percentage points (400 basis points).

(b) The Statement of Policy adopted herein shall be effective upon issuance of this order.

(c) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(d) All requests and suggestions not specifically dealt with herein are hereby denied.

(e) The Secretary is hereby authorized to change the appropriate license article upon application by the licensees to reflect the specified reasonable rate of return as adopted herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

LIST OF RESPONDENTS

Alabama Power Co.[1]
American Electric Power Company
Central Maine Power Co.[1]
Consolidated Water Power Co.
Consumer-Owned Systems
Consumers Power Company
Debevoise and Liberman
Detroit Edison
Duke Power Co.[1]
Louisville Gas and Electric Co.
Minnesota Power and Light Co.
National Association of Regulatory Utility Commissioners, Staff Subcommittee of Experts on Accounting[1]
New England Power Co.
Niagara Mohawk Power Corporation
Northeast Utilities
Northern States Power Co. (Wisconsin)
Pacific Power and Light Co.
Pennsylvania Power and Light Co.[1]
Public Service of Indiana[1]
Puget Sound Power and Light Co.
Rochester Gas and Electric Co.
Southern California Edison Co.
Southern Engineering Company
Utah Power and Light Co.[1]
Wisconsin Michigan Power Company
Wisconsin Public Service Corporation

[FR Doc.76-19045 Filed 6-30-76;8:45 am]

[1] Late filed comments.

Title 19—Customs Duties

CHAPTER 1—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-188]

PART 159—LIQUIDATION OF DUTIES

Cheese From Sweden

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of cheese from Sweden.

On January 5, 1976, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 782). The notice stated that on the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47 (c)), a preliminary determination was made that bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of cheese from Sweden. The measure preliminarily determined to constitute bounties or grants included an export subsidy payment on cheese made from the equalization fund available to Swedish dairy producers.

The notice further stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of publication of the notice of preliminary determination.

After consideration of all information received, it is hereby determined that bounties or grants are being paid or bestowed, directly or indirectly, on exports of cheese from Sweden within the meaning of section 303 of the Act. The bounties or grants are in the form of consumer subsidies paid by the Government of Sweden to the dairy farmers which have the effect of subsidizing exports as well as domestic dairy products. In addition, bounties or grants are being paid in the form of export subsidies on cheese by the Government of Sweden.

Accordingly, notice is hereby given that cheese imported directly or indirectly from Sweden, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after July 1, 1976, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable cheese from Sweden, which benefit from these bounties or grants and are subject to this order, liquidation shall be suspended pending declaration of the net amounts of the bounties or grants paid.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers cheese from Sweden in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country," the name "Sweden". The column headed "Commodity" is amended by inserting the word "Cheese." The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action."

(Sec. 303 of the Act. (R.S. 251, as amended, sections 303, as amended, 624, 46 Stat. 687, 759 (19 U.S.C. 66, 1303, 1624)).

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: June 18, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-19030 Filed 6-30-76;8:45 am]

[T.D. 76-189]

PART 159—LIQUIDATION OF DUTIES

Cheese From Sweden

Determination under section 303(d), Tariff Act of 1930, as amended, to waive countervailing duties.

In T.D. 76-188, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of cheese from Sweden.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of

1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors, and after consultation with interested agencies, I have concluded that adequate steps have been taken to reduce substantially the adverse effects, or potential adverse effects, of the bounty or grant. Specifically the Government of Sweden has eliminated the export restitution payment on Herrgaard and Greve cheeses, which are classified by the U.S. as Emmenthal-type cheeses. In addition, restitution payments on Colby and Cheddar cheeses, the only cheeses exported from Sweden to the United States for further processing, have been eliminated.

Furthermore, the waiver will remain in effect so long as there is no aggressive marketing of Swedish cheeses on which marketing of Swedish cheeses on which export subsidies continue in the U.S. these exports substantially from historic levels.

After consulting with appropriate agencies, including the Department of State, the Office of Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on cheese from Sweden would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 76-188 on cheese from Sweden.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after July 1, 1976, a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on cheese imported directly or indirectly from Sweden in accordance with T.D. 76-188 published concurrently with this determination.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Sweden under the commodity heading "Cheese", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JUNE 17, 1976.

[FR Doc.76-19031 Filed 6-30-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

Follicle Stimulating Hormone-Pituitary for Injection

The Food and Drug Administration has evaluated a supplemental new animal drug application (9-505V) of Burns-Biotec Laboratories, Inc., Subsidiary of Chromalloy American Corp., Oakland, CA 94621, proposing revised labeling for the safe and effective use of follicle stimulating hormone-pituitary for administration to cattle, horses, sheep, swine, and dogs. The supplemental application is approved, effective July 1, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended by adding a new section to read as follows:

§ 522.1822 **Follicle stimulating hormone-pituitary for injection.**

(a) *Specifications.* The drug is a lyophilized pituitary extract material. Each 10-milliliter vial contains an amount equivalent to 50 milligrams of standard porcine follicle stimulating hormone and is reconstituted for use by addition of 10 milliliters of 0.9 percent aqueous sodium chloride solution.

(b) *Sponsor.* No. 000845 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used as a supplemental source of follicle stimulating hormone where there is a general deficiency in cattle, horses, sheep, swine, and dogs.

(2) It is administered intramuscularly, subcutaneously, or intravenously as follows:

Animal:	*Dosage in milligrams*
Cattle and horses	10-50
Sheep and swine	5-25
Dogs	5-15

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

Effective date: This order shall be effective July 1, 1976.

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

Dated: June 24, 1976.

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

[FR Doc.76-19027 Filed 6-30-76;8:45 am]

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

Oleate Sodium Solution

The Food and Drug Administration has evaluated a new animal drug application (99-344V) filed by the Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, proposing safe and effective use of sodium oleate solution for parenteral administration to horses to stimulate the infiltration of cellular blood components that subsequently differentiate into fibrous and/or fibrocartilagenous tissue. The application is approved, effective July 1, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262), Part 522 is amended by adding new § 522.1610 to read as follows:

§ 522.1610 Oleate sodium solution.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 50 milligrams of sodium oleate.

(b) *Sponsor.* See No. 000085 in § 510.600 (c) of this chapter.

(c) *Conditions of use*—(1) It is used in horses to stimulate infiltration of cellular blood components that subsequently differentiate into fibrous and/or fibrocartilagenous tissue.

(2) The drug is administered by parenteral injection dependent upon the area of response desired. An injection of 1 milliliter will produce a response of approximately 15 square centimeters. Do not inject more than 2 milliliters per injection site. Regardless of the number of injection sites, the total volume used should not exceed 10 milliliters.

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

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

Effective date: This regulation shall be effective July 1, 1976.

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

Dated: June 24, 1976.

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

[FR Doc.76-19022 Filed 6-30-76;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0356]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Source Plasma (Human) and Whole Blood (Human); Amendment and Extension of Effective Date for Labeling Requirements

Effective July 1, 1976, the Food and Drug Administration (FDA) is amending the labeling requirements for Source Plasma (Human) and extending the effective date for labeling requirements for Source Plasma (Human) and Whole Blood (Human) from May 11, 1976 to November 8, 1976.

An amendment to the biologics regulations applicable to the manufacture and labeling of Source Plasma (Human) and the labeling of Whole Blood (Human) was published in the FEDERAL REGISTER of March 12, 1976 (41 FR 10762). The effective date of the amendment was May 11, 1976.

Several manufacturers objected to the effective date as it applies to the labeling requirements prescribed in §§ 640.7 and 640.70 and requested that it be extended 6 months. The manufacturers stated that the effective date does not provide sufficient time for the requisite FDA review and approval of the proposed new labeling change and printing of new labels. In addition, some manufacturers stated that their inventory contains a substantial supply of labels recently approved with reference to the labeling requirements existing before the March 1976 final regulation.

The Commissioner of Food and Drugs has considered these requests and concludes that the effective date for the labeling requirements for Source Plasma (Human) and Whole Blood (Human), as amended, should be extended an additional 6 months. The Commissioner is of the opinion that the additional 6 months will provide sufficient time for the necessary review, approval, and printing of labels. Accordingly, the effective date of the labeling requirements prescribed in §§ 640.7 and 640.70 of the March 12, 1976 final regulations is extended to November 8, 1976. The effective date of the other requirements remains May 11, 1976.

To the same final regulations, the Commissioner added new § 640.76 which requires that Source Plasma (Human) (intended for manufacture into injectable products) that has been inadvertently exposed to temperatures warmer than −20° C or −5° C during storage or shipment must be labeled as "Source Plasma (Human) Salvaged" and appropriate records made of the cause of the deviation and the corrections. The new section was added in response to a number of inquiries received by the Bureau of Biologics concerning necessary action when the storage or shipping temperature of plasma intended for manufacturing into injectable products exceeds that specified in the regulations. In addition, a new paragraph (b) was added to § 640.70 to require that such diverted Source Plasma (Human) be labeled "Source Plasma (Human) Salvaged" and that the labeling conspicuously state "CAUTION: DO NOT USE FOR PRODUCTS REQUIRING LABILE FACTORS" and where applicable, "STORAGE TEMPERATURE EXCEEDED −20° C" or "SHIPPING TEMPERATURE EXCEEDED −5° C".

It has come to the attention of the Commissioner that these labeling statements are essentially redundant because both statements alert manufacturers that the labile factors are diminished by exposure to temperatures higher than those required for storage and shipping. Moreover, the language of the cautionary phrase "DO NOT USE FOR PRODUCTS REQUIRING LABILE FACTORS" would appear to prohibit the use of Source Plasma (Human) Salvaged for products requiring labile factors and subject users of Source Plasma (Human) Salvaged for such purposes to regulatory actions. However, the Commissioner merely intended that the labeling give notice that the source material was exposed to excessive temperatures and as generally known, the yield of labile factors would be expected to be diminished when exposed to warmer temperatures. Use of such plasma to obtain labile factors will be inefficient. Accordingly, the Commissioner concludes that the labeling statement, "CAUTION: DO NOT USE FOR PRODUCTS REQUIRING LABILE FACTORS" should be deleted from § 640.70.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) 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 640 of Subchapter F of Title 21 of the Code of Federal Regulations is amended as follows:

1. In § 640.70(b) by deleting the phrase, "CAUTION: DO NOT USE FOR PRODUCTS REQUIRING LABILE FACTORS." As revised paragraph (b) reads as follows:

§ 640.70 Labeling.

* * * * *

(b) Source Plasma (Human) diverted for Source Plasma (Human) Salvaged shall be relabeled "Source Plasma (Human) Salvaged" as prescribed in § 640.76. Immediately following the proper name of the product, the labeling shall conspicuously state as applicable, "STORAGE TEMPERATURE EXCEEDED −20° C" or "SHIPPING TEMPERATURE EXCEEDED −5° C".

2. By extending the effective date of the labeling requirements prescribed in §§ 640.7 and 640.70 of the final regulations published in the FEDERAL REGISTER of March 12, 1976 (41 FR 10762) from May 11, 1976 to November 8, 1976. The other requirements of the final regulations became effective May 11, 1976.

Under the Administrative Procedure Act (5 U.S.C. 553(b) and (d)), the Commissioner finds that notice, public procedure and delayed effective date are unnecessary for the amendment of § 640.70(b) and the extension of the effective date for amended §§ 640.7 and 640.70 because they do not impose an additional duty or burden on any person but rather relieve unnecessary restrictions.

Effective date: This amendment shall become effective July 1, 1976.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).)

Dated: June 24, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-19024 Filed 6-30-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURES AND PRACTICES

[T.D. ATF-28]

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

Seizure of Personal Property Used in Violation of Wagering Tax Laws

Pursuant to Treasury Department Orders 221-3, published in the FEDERAL REGISTER for January 6, 1975 (40 FR 1084) and 221-3 (Revision 1), published in the FEDERAL REGISTER for March 9, 1976 (41 FR 10079), the Bureau of Alcohol, Tobacco and Firearms assumed responsibility for performing the functions, exercising the powers, and carrying out the duties of the Secretary of the

Treasury under Subtitle F of the Internal Revenue Code of 1954, insofar as the provisions of Subtitle F relate to forfeitures and criminal violations of the provisions of Chapter 35, Taxes on Wagering, and Chapter 40, General Provisions Relating to Occupational Taxes.

Part 72 of Chapter I of Title 27 of the Code of Federal Regulations prescribes procedures relating to the seizure and disposition of personal property involved, used, or intended to be used in violation of the laws enforced by the Bureau. In view of the Bureau's wagering responsibility, the regulations in Part 72 are being amended to include the seizure and disposition of property which has been used or intended to be used in violation of the wagering laws contained in the Internal Revenue Code of 1954.

Treasury Department Order 221-3 (Revision 1) provides that all activities relating to the discovery of civil liability, determination, assessment, collection, processing, depositing or accounting for taxes under Chapter 35 of the Internal Revenue Code of 1954 shall continue to be performed by the Commissioner of Internal Revenue. For this reason, the Commissioner has joined as a signatory to this Treasury decision.

In consideration of the foregoing, the regulations in 27 CFR Part 72 are amended as follows:

§ 72.21 [Amended]

Section 72.21 is amended by inserting the words "35 (wagering)", between the words "chapters" and "51".

Because this Treasury decision implements and effectuates the provisions of Treasury Department Orders 221-3 and 221-3 (Revision 1), dated December 24, 1974 and February 21, 1976, respectively, which designate the respective functions of the Bureau of Alcohol, Tobacco and Firearms and the Internal Revenue Service with regard to the wagering tax laws, it is found that the issuance of the Treasury decision does not substantially affect or alter public rights or interests and therefore, compliance with the public notice procedures and effective date limitations of 5 U.S.C. 553(b) and 553(d) is unnecessary. Accordingly, this Treasury decision shall be effective July 1, 1976.

(This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).)

Signed: March 29, 1976.

REX D. DAVIS,
Director.

Signed: April 22, 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 18, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-19029 Filed 6-30-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-299]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Clearwater Pass, Florida

This amendment changes the regulations for the Clearwater Pass drawspan to allow a delay of up to ten minutes before the draw will be required to open for the passage of vessels from 11 p.m. to 7 a.m. This amendment was circulated as a public notice dated August 15, 1975, by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-299) on August 12, 1975 (40 FR 33828). Ten replies were received. Two supported the proposal and one had no objection thereto. Seven objected to the proposed change for several reasons; five felt that the tidal currents were, at times, too strong to hold for even ten minutes; four felt that the recently built jetty also made holding difficult because of limited maneuvering space; two felt that unprotected entrances from the sea such as Clearwater Pass should not be restricted at any time; and two felt that during periods of foul weather there should be no restriction on draw openings. All of these objections have validity and were considered, however the Coast Guard feels that a wait of up to ten minutes is not unreasonable, particularly due to the limited openings between 11 p.m. and 7 a.m. (an average of less than 10 per month).

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.467 immediately after § 117.466 to read as follows:

§ 117.467 Clearwater Pass, Clearwater, Florida.

The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date: This revision shall become effective on July 30, 1976.

Dated: June 22, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-19093 Filed 6-30-76;8:45 am]

[CCGD1-76-4R]

PART 127—SECURITY ZONES

Establishment of Security Zones

This amendment to the Coast Guard's Security Zone Regulations, establishes a security zone around the British Royal Yacht HMY BRITTANIA while within the waters of the United States and within the First Coast Guard District. This security zone is established because of the visit of the British Royal Yacht HMY BRITTANIA at ports within the First Coast Guard District.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.104, to read as follows:

§ 127.104 The Waters of the First Coast Guard District.

The area of the United States Territorial Waters of Block Island Sound, Rhode Island Sound, Narrangansett Bay, Buzzards Bay, Cape Cod Canal, Cape Cod Bay, Massachusetts Bay, and Boston Harbor within 50 yards of Her Majesty's Yacht BRITANNIA while the vessel is underway. HMY BRITANNIA is 413 feet in length overall and is distinguishable by her royal blue hull with red bottom, and decorated with a gold band below the upper deck, with upperworks white, and buff colored funnel and masts. The Royal Coat of Arms is located on the bow with the Royal Cypher on the stern.

No vessel or person may enter, cross, or navigate in the security zone without the consent of the Commander, First Coast Guard District or his designated representatives. While Her Majesty's Yacht BRITANNIA is moored, additional security zones will be in effect.

EFFECTIVE DATE NOTE: This amendment is effective from 1200Q, 10 July 1976 to 2400Q, 11 July 1976.

(40 Stat. 220, as amended, [§ 1, 63 Stat. 503,] § 6(b), 80 Stat. 937; 50 U.S.C. § 191, [14 U.S.C. § 91,] 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR, 1954-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: 14 June 1976.

J. P. STEWART,
Rear Admiral, United States Coast Guard, Commander, First Coast Guard District.

[FR Doc.76-19095 Filed 6-30-76;8:45 am]

[CGD 3-76-4-R]

PART 127—SECURITY ZONES

Establishment

New Haven Harbor, New Haven, Connecticut. This amendment to the Coast Guard's Security Zone Regulations, establishes the water from New Haven Reach, 100 yards in width, to the New Haven City Dock as a security zone. This security zone is established to prevent interference with the Royal Barge, of the

Queen of England, for her disembarkation in the City of New Haven.

This amendment is issued without publication of a notice of proposed rule making. This security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-338, to read as follows:

§ 127.338 New Haven City Dock, Approach to.

The waters within the following boundary is a security zone: a line beginning at a point on the City Dock at 41°17'47.1" N, 72°54'52.3" W; thence eastward to a point on the western boundary of New Haven Reach at 41°17'36.7" N, 72°54'40.0" W; thence southward to a point on the western boundary of New Haven Reach at 41°17'32.1" N, 72°54'40.9" W; thence northwestward to a point on the City Dock at 41°17'47.2" N, 72°54'57.8" W; thence along the bulkhead to the beginning point at City Dock as shown on Chart No. 12371, New Haven Harbor.

EFFECTIVE DATE NOTE: This amendment is effective from 0830–1130, 10 July 1976.

(40 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: May 27, 1976.

STANLEY F. POWERS,
LCDR, United States Coast Guard, Captain of the Port, New Haven, Connecticut.

[FR Doc.76-19094 Filed 6-30-76;8:45 am]

[CGD3-76-5-R]

PART 127—SECURITY ZONES

Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes a security zone around the British Royal Yacht HMY BRITANNIA while within the waters of the United States and within the Third Coast Guard District. This security zone is established because of the visit of the British Royal Yacht HMY BRITANNIA at ports within the Third Coast Guard District.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-339 to read as follows:

§ 127.339 The Waters of the Third Coast Guard District.

That area of the waters of the Third Coast Guard District, including but not limited to Delaware Bay, Delaware River, New York Harbor, Long Island Sound, and Block Island Sound, within 50 yards of the British Royal Yacht HMY BRITANNIA, is established as a security zone.

EFFECTIVE DATE NOTE: This amendment is effective 1:00 a.m. 6 July 1976 to 4:45 p.m. 10 July 1976.

(40 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: June 16, 1976.

W. F. REA, III,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.76-19096 Filed 6-30-76;8:45 am]

[CGD 3-76-8]

PART 127—SECURITY ZONES

Establishment of Security Zone, Wilmington Marine Terminal, Wilmington, Delaware

Notice is hereby given that E. Bizzozero, Commander, United States Coast Guard, Captain of the Port, Philadelphia, Pa., has issued the following order establishing a Security Zone at the Wilmington Marine Terminal, Wilmington, Delaware:

This amendment to the Coast Guard's Security Zone Regulations, establishes the British Naval Vessel HMS *Bacchante* and the navigable waters within 50 yards thereof as a security zone. This security zone is established to provide waterside security to protect the vessel from suspected terrorist activities.

This amendment is issued without publication of a Notice of Proposed Rule Making and this amendment is effective less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-342, to read as follows:

§ 127.342 Wilmington Marine Terminal, Wilmington, Delaware.

The waters within the following boundary is a security zone. The waters of the Christina River within 50 yards of the British Naval Vessel HMS *Bacchante* while she is moored at berth 5½ at Wilmington Marine Terminal.

EFFECTIVE DATE NOTE: This amendment is effective from 9 a.m., June 25, 1976 to 9 a.m., July 1, 1976.

(40 Stat. 220, as amended, 1, 63 Stat. 503, 6(b) 80 Stat. 937; 50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

NOTE.—This document is reprinted without change from the issue of Tuesday, June 29, 1976.

Dated: June 25, 1976.

R. A. RATTI,
Chief Counsel.

[FR Doc.76-18958 Filed 6-25-76;3:47 pm]

[CGD-3-76-7-R]

PART 127—SECURITY ZONES

Establishment of Security Zone Penn's Landing, Delaware River, Philadelphia, Pennsylvania

This amendment to the Coast Guard's Security Zone Regulations establishes a security zone in the waters of the Delaware River within 50 yards of the British Royal Yacht, HMY BRITANNIA and her escort vessels, HMS ESKIMO and USCGC DALLAS, while these vessels are moored at Penn's Landing, Philadelphia, Pennsylvania. This security zone is established in conjunction with the visit of Her Majesty, the Queen of England, to the City of Philadelphia and is established to prevent interference with the British Royal Yacht and her escorts.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.341 to read as follows:

§ 127.341 Penn's Landing, Philadelphia, Pennsylvania-Delaware River.

The waters within the following boundary are a security zone: The area within 50 yards of the British Royal Yacht, HMY BRITANNIA, and the escort vessels, HMS ESKIMO and USCGC DALLAS.

EFFECTIVE DATE NOTE: This amendment is effective from 8:00 AM, 6 July 1976 until HMY BRITANNIA, HMS ESKIMO, and USCGC DALLAS have departed Penn's Landing on 7 July 1976.

(40 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: 23 June 1976.

ERNEST BIZZOZERO,
Commander, U.S. Coast Guard, Captain of the Port, Philadelphia.

[FR Doc.76-19097 Filed 6-30-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 558-3; OPP-260020]

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

Terbacil

Correction

In FR Doc 76-16762 appearing on page 23385 in the issue for Thursday, June 10, 1976 make the following correction:

In column 3, the effective date in the paragraph directly above the authority citation should read "June 10."

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Miscellaneous Amendments

This change to the General Services Administration Procurement Regulations (GSPR) updates and revises procurement procedures applicable to the Stock Purchasing Program and the Federal Supply Schedule Program. A new part is added dealing with contract modifications. Other sections throughout Chapter 5A are revised to delete extraneous material and to reflect recent organizational changes.

The table of parts for Chapter 5A is amended to add new Part 5A–26 and to change the title of Part 5A–72 as follows:

Part
5A–26 Contract modifications.
5A–72 Procurement of stock items.

PART 5A–1—GENERAL

Subpart 5A–1.3—General Policies

1. Section 5A–1.304, 5A–1.305–2(b), and 5A–1.305–3 are revised as follows:

§ 5A–1.304 Designation of solicitation opening time.

The time and date of bid opening or receipt of offers shall be shown in block 9, Standard Form 32, Solicitation, Offer, and Award, as follows:

Time (a.m. or p.m.)*, Date (month-day-year (in numbers)). The asterisk and the phrase "local time at the place of bid opening" or "local time at the place designated for receipt of offers", as appropriate, shall be inserted immediately under 4 of block 9.

§ 5A–1.305–2 Exceptions to mandatory use of Federal specifications.

* * * * *

(b) If a procuring activity finds that an Interim Federal Specification is not suitable for use, or that changes are desirable, the appropriate specification manager shall be so notified. The reasons why the specification is considered unsuitable and any recommendations for changes shall be submitted on GSA Form 2967, Request for Specification and/or Purchase Description Action, in an original and one copy.

§ 5A–1.305–3 Deviations from Federal specifications.

Any deviation from the requirements in a Federal or Interim Federal Specification contemplated under § 1–1.305–3 shall be submitted to the appropriate specification manager for approval prior to use in a solicitation or contract modification. The request shall include a statement describing the deviation, with justification therefor, and, when appropriate, a recommendation for revision or amendment to the specification. (For procedures applicable to the processing and approval of requests for waivers of specification requirements in connection with the acceptance of nonconforming supplies or services, see § 5A–14.206.)

2. Section 5A–1.316–5 (a), (b), and (c) is revised as follows:

§ 5A–1.316–5 Time of delivery clauses.

(a) Specific examples of time of delivery clauses are set forth below. When a different clause is needed, special language may be developed on a case-by-case basis. In (b) and (c), below, "Delivery" and "Shipment" should be interchanged as appropriate. "Delivery" should be used for urgent requirements.

(b) *Definite quantity contracts.*—(1) *Contracts for stock items, other than exigencies.* The language of the following clauses may be modified as long as unwanted accelerated shipments are prevented. For example, if inventory management activities indicate that one-third of the quantity is required in 30 calendar days, one-third in 90 days, and one-third in 150 days, it may be advantageous to establish three separate items for bidding purposes, each with a specified time of shipment. Language such as "Delivery is to be made as indicated in the schedule for each item" should be used. Where the delivery time is more than 45 calendar days, shipment shall not be made prior to 15 calendar days before the required time of delivery/shipment.

(i) *Contracts with a single item of delivery.*

TIME OF DELIVERY

Delivery is required not sooner than _____ calendar days and not later than _____ calendar days after receipt of notice of award, unless otherwise specifically authorized by the contracting officer. (End of Clause)

(The first number to be inserted above should be 15 calendar days less than the second number for all deliveries of more than 45 calendar days.)

(ii) *Contracts with scheduled deliveries.*

TIME OF DELIVERY

Delivery is required within the number of calendar days after receipt of notice of award indicated below unless otherwise specifically authorized by the contracting officer, in accordance with the following schedule:

Item No.	Quantity	Number of days	
		Not before—	Not later than—

(The number to be inserted in the "Not Before" column above should be 15 calendar days less than the number in the "Not Later Than" column.)

(2) *Other definite quantity contracts.*

(i) *Definite quantity contracts with a single time of delivery.*

TIME OF DELIVERY

Delivery is required within ____ days after receipt of notice of award.

(ii) *Definite quantity contracts with scheduled deliveries.*

TIME OF DELIVERY

Delivery is required within the number of days after receipt of notice of award as shown in the following schedule.

Item No.	Quantity	Required delivery time (days)

(c) *Requirements contracts.* — (1) *Stock replenishment contracts* (that do not include an Availability for Inspection and Testing and Shipment clause). When the required time for shipment is *45 calendar days or less* after receipt of order, the time of shipment provision set forth in paragraph (c)(2), below, shall be used. When the required time for shipment specified is *more than 45 calendar days* after receipt of order, the following clause shall be used.

TIME OF SHIPMENT

Shipment is required within ____ calendar days after receipt of order. Each delivery order issued under this contract will specify that shipment is required no later than the number of days shown above; and, if such order also provides that shipment shall not be made sooner than ____ calendar days after receipt of order, the contractor agrees to make shipment only within such specified period of time. Earlier shipments may result in rejection of the supplies at the delivery point at the time of arrival. When the shipment time frame option is exercised, delivery orders issued will indicate "Early Shipment is precluded".

(The second number to be inserted should be 15 days less than the first number.)

(2) *Other requirements contracts.*

TIME OF SHIPMENT

Shipment is required within ____ calendar days after receipt of order.

* * * * *

3. Section 5A–1.352–2(a) and 5A–1.7301 are revised as follows:

§ 5A–1.352–2 Numbering system.

(a) Contract numbers shall be placed in the space provided on the applicable procurement forms, or if no space is provided, in the upper right hand corner of the contract document. Different contract numbers will be assigned for stock and nonstock items when they are combined in the same solicitation for offers.

* * * * *

§ 5A–1.7301 Purchase order forms.

(a) GSA Form 300, Purchase Order. GSA Form 300, Illustrated in § 5A–16.950–300 is available as an 8-part or 15-part form. The 15-part version incorporates as the 2nd, 3rd, and 4th copies the Direct Delivery Invoice. GSA Form 300A, Purchase Order (Continuation Sheet), illustrated in § 5A–16.950–300A, is also available as an 8-part and 15-part form. GSA Form 300 may be used as a purchase order, a delivery order, or as an award document. Special instructions for preparation of GSA Form 300 are set forth in § 5A–16.950–300–1.

(b) GSA Form 1430, GSA Stores Direct Delivery Order, is used for ordering stock items that are to be delivered by the vendor direct to the consignee. See HB, Supply Operations (FSS P 2900.3, chap. 9).

(c) [Reserved].

(d) GSA Form 3014, Order for Supplies or Services. GSA Form 3014, illustrated in § 5A–16.950–3014, is a 10-part form designed for computer and manual preparation. It is used primarily in the automated delivery order (ADO) system for stock replenishment and nonstock direct delivery purchase orders against established sources.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.2—Solicitation of Bids

1. Section 5A–2.201–70 (c) and (e) is revised as follows:

§ 5A–2.201–70 Forms to be used.

* * * * *

(c) Standard Form 32, General Provisions (Supply Contract), April 1975, shall be incorporated by reference in each solicitation for offers. (See § 1–16.105.)

* * * * *

(e) GSA forms containing standardized supplemental provisions.

(1) GSA Form 1424, GSA Supplemental Provisions, February 1976, shall be incorporated by reference in each solicitation for offers, except solicitations for offers under the AID buying program, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, February 1976, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

(2) GSA Form 1246, GSA Supplemental Provisions (AID Procurement) December 1973, shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

GSA Form 1246, GSA Supplement Provisions (AID Procurement), December 1973, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

* * * * *

§ 5A–2.201–74 [Amended]

2. Section 5A–2.201–74(e) is deleted.

3. Sections 5A–2.205 and 5A–2.207 are revised as follows:

§ 5A–2.205 Bidders mailing lists.

§ 5A–2.205–1 Establishment of lists.

Bidders mailing lists shall be established in accordance with § 1–2.205 and this § 5A–2.205 to insure access to adequate sources of supply and service and to obtain meaningful competition. Use of such established mailing lists is not prescribed where the requirements of the procuring activity can be obtained within the local trade area through utilization of simplified small purchase procedures (see Subparts 1–3.6 and 5A–3.6). Contracting officers may use either the computerized central bidders mailing list maintained by Region 8 (as described in § 5A–76.306) or local lists maintained by the purchasing activity for negotiated procurements, including small purchases.

§ 5A–2.205–2 Removal of names from bidders mailing lists.

(a) The name of each concern failing to either (1) submit a bid, (2) respond to a pre-solicitation notice, or (3) otherwise respond formally or informally, shall be removed from the bidders mailing list without notice to the concern but only for the mailing list codes pertaining to the commodities in such invitation or notice. However, the procuring activity may retain nonresponding firms on the mailing list if such action is determined advantageous to the procuring activity. (Unless the addressee requests removal, addressees such as U.S. congressional offices and offices in GSA's Central Office should not be removed from the computerized BML.)

(b) The names of concerns which have been (1) debarred from entering into Government contracts, or (2) otherwise determined to be ineligible to receive an award of a Government contract, shall be removed from the bidders mailing lists to the extent required by such debarment or determination of ineligibility.

(c) Only Central Office buying divisions, and regions having national commodity responsibility as outlined in Subpart 5A–76.4 may remove firms from the computerized BML.

(d) To remove firms from the BML:

(1) Use a copy of the applicable bidders mailing list and encircle in black the firms to be removed; and

(2) Attach a covering memo listing the solicitation number to which the firm did not respond, the commodity, the issue and closing dates of the solicitation, and class of mailing list code from GSA Form 1382, List of Commodities, or GSA Form 1783, Bidder's Mailing List Application Code Sheet (Services), and forward in accordance with paragraph (e) to the Centralized Mailing Lists Services Branch (8FFS) for action. The memo should read substantially as follows:

Please delete the encircled firms which did not respond to solicitation no. _____ for _____, issued _____, and opened _____, class _____, MLC _____.

(e) If the commodity region issued the solicitation, they shall route the list and memo through the appropriate Central Office division for concurrence. If a Central Office division issued the solicitation, they shall route the list and memo through the appropriate commodity region for concurrence. If there is any disagreement, the disputed firm shall be retained.

(f) No bid response notice. To inform bidders of this policy, the following notice shall be included on GSA Form 1602, Transmittal for Invitation for Bids, or in the solicitation.

"NO BID" RESPONSE REQUIRED

FIRMS ARE CAUTIONED THAT THOSE WHO FAIL TO RESPOND TO THIS SOLICITATION, FORMALLY OR INFORMALLY, MAY BE REMOVED FROM THE BIDDERS MAILING LIST FOR THE CODES PERTAINING TO THE COMMODITIES COVERED BY THIS SOLICITATION WITHOUT FURTHER NOTICE TO THE CONCERN.

§ 5A–2.205–3 Reinstatement on bidders mailing lists.

(a) Debarred firms shall be reinstated on the bidders mailing list only upon completion of their debarment period and upon submission of a new bidders mailing list application on Standard Form 129, Bidder's Mailing List Application, and related GSA Forms, or by submission of a bona fide bid.

(b) Other concerns which have been removed from bidders mailing lists may be reinstated by submitting either a new application on Standard Form 129 and related GSA forms or a bona fide bid. The application forms shall be sent to any concern that submits a written request.

§ 5A–2.207 Amendment of invitation for bids.

See § 5A–16.901–30–1 for instructions regarding Standard Form 30, Amendment of Solicitation/Modification of Contract.

PART 5A–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5A–3 is amended to delete §§ 5A–3.101 and 5A–3.101–70, revise the title of § 5A–3.605, and add the following new entries:

Sec.

5A–3.150	Financial terms and conditions.
5A–3.210	Impracticable to secure competition by formal advertising.
5A–3.405–5	Cost-plus-a-fixed-fee contract.
5A–3.408	Letter contract.
5A–3.605	Purchase order forms.
5A–3.605–1	Standard Form 44, Purchase Order-Invoice-Voucher.
5A–3.606–4	Documentation.
5A–3.606–50	Oral purchases.
5A–3.651	Unpriced purchase order.
5A–3.651–1	Conditions for use.
5A–3.651–2	Procurement and payment.
5A–3.651–3	Record of status.

Subpart 5A–3.12—Cost Accounting Standards

5A–3.1210	Cost Accounting Standards Board report.

Subpart 5A–3.1—Use of Negotiation

§§ 5A–3.101 and 5A–3.101–70 [Deleted]

1. Sections 5A–3.101 and 5A–3.101–70 are deleted.

2. Sections 5A–3.102 and 5A–3.103 are revised as follows:

§ 5A–3.102 Factors to be considered in negotiated contracts.

(a) *Offers from firms on debarred lists.* Offers received from firms or individuals listed on the GSA Debarred Bidders List shall be handled in accordance with Subpart 5A–1.6.

(b) *Contingent fees.* The provisions of Subparts 1–1.5 and 5A–1.5 concerning contingent fees are applicable.

(c) *Nonacceptance of low offer.* The provisions of § 5A–2.404–2 are applicable where the contracting officer determines to make award to other than the low offeror. The terms "bidder" and "rejection" shall be understood to mean "offeror" and "nonacceptance" respectively when used with negotiated competitive contracts.

§ 5A–3.103 Dissemination of procurement information.

(a) For negotiated contracts, only the names of successful offerors and the prices, including discounts, at which the awards were made shall publicly be disclosed (see § 1–3.103). If requests in writing are made after award for the final offers of unsuccessful offers, the identity of such offerors, and the final prices of

such unsuccessful offers, along with the applicable discounts, shall ordinarily be released in accordance with GSPMR 101–60.

(b) Proposed procurements and awards of negotiated contracts shall be reported to the Commerce Business Daily in accordance with § 5A–1.1004.

(c) [Reserved].

(d) The provisions of § 5A–1.350 shall apply when using advance notices of award for all negotiated contracts.

(e) Information concerning competitive products provided to an unsuccessful offeror concerning the merits or quality of a competitor's products shall be limited solely to the statement, if applicable, that adequate inspection or testing has shown that the successful offeror's products have met the requirements of the contract or purchase order. This shall not be construed as prohibiting procurement officers from informing a supplier concerning the results of tests on the supplier's own products, or prohibiting procurement officers in connection with their individual duties and responsibilities as members of technical committees which relate to procurement matters from making necessary contacts with testing laboratories.

(f) A copy of the purchase order shall be forwarded to the Business Service Center for making the information available to interested persons, except in cases where the amount is less than $100 or where the negotiations were conducted under authority of § 1–3.212 and should not be publicly disclosed. This requirement is not applicable when Standard Form 44, Purchase Order-Invoice-Voucher, or Standard Form 147, Order for Supplies or Services, is used as the procurement document. (Not applicable to ADTS.)

(g) The provisions of § 5A–2.407–84 regarding notification of proposed substantial awards shall also apply to negotiated procurements and awards involving congressional interest.

(h) The provisions of § 5A–2.407–1(c) regarding the avoidance of creating false impressions in the eyes of prospective contractors about forthcoming awards also apply to negotiated procurements.

3. Section 5A–3.150 is added as follows:

§ 5A–3.150 Financial terms and conditions.

In the development of financial terms and conditions for solicitations of proposals and resultant contracts including insurance provisions, procuring activities shall use the technical advice and assistance of appropriate finance offices (see Parts 5A–30 and 5A–10).

Subpart 5A–3.2—Circumstances Permitting Negotiation

1. Section 5A–3.202 is revised as follows:

§ 5A–3.202 Public exigency.

(a) Use of public exigency authority to negotiate on behalf of other agencies shall be limited to those cases where the requisitioning agencies have furnished statements adequate to justify negotiation on this basis. Delivery dates shown on a requisition will not, in themselves, justify use of the exigency authority.

(b) Military purchase requests citing an issue priority designator 1 through 6, inclusive, assigned in acordance with the Uniform Material Isseue Priority System prescribed by DoD Instruction No. 4410.6, dated February 18, 1971, and civilian agency purchase requests citing a priority designator 03 or 06, prescribed by the FEDSTRIP Operating Guide, chap. 2–15, shall be considered as identifying a circumstance within the purview of § 1–3.202 and as constituting the required statement of justification to support the findings and determination to be made by the contracting officer. These issue priority designators are to be generated and provided only by the requisitioning activity and cannot be generated by anyone else for the purpose of conforming or upgrading the priority designator to a requested delivery date. While circumstances may justify public exigency negotiation of requirements on a military purchase request citing an issue priority designator 7 through 15, or on a civilian agency purchase request citing an issue priority designator 08 or 15, the specific circumstances justifying use of this authority must be set forth in the required determination and findings.

(c) Special procedures for use of the public exigency circumstance when contracting for replenishment of stock items are in § 5A–72.106.

2. Section 5A–3.203 is added as follows: (Note: This supersedes the revision of this section, as indicated in 41 F.R. 11023):

§ 5A–3.203 Purchases not in excess of $10,000.

(a) The small purchase negotiation authority; namely, section 302(c)(3) of the Act (41 U.S.C. 252(c)(3)), should not be used in purchases of $10,000 or less where public exigency or set-asides are involved. In these latter cases the authority of section 302(c)(1) of the Act (see § 1–3.201), section 302(c)(2) of the Act (see § 1–3.202), or section 302(c)(15) of the Act (see § 1–3.215), shall be applied as appropriate.

(b) When determining whether the amount in a transaction does not exceed $10,000, the full purchase price is the controlling factor. Any prompt payment discount or trade-in value of an article to be offered in exchange is not to be deducted when making this determination.

3. Section 5A–3.210 is added as follows:

§ 5A–3.210 Impracticable to secure competition by formal advertising.

This authority shall not be used where negotiation is authorized under §§ 1–3.211, 1–3.212, 1–3.213, or 1–3.214.

Subpart 5A–3.4—Types of Contracts

Sections 5A–3.405–5 and 5A–3.408 are added as follows:

§ 5A–3.405–5 Cost-plus-a-fixed-fee contract.

(a) *General.* Except as specified in (b), below, the fixed fee shall not exceed 10 percent of the estimated cost of the contract, exclusive of the fee, as determined by the appropriate Commissioner of the service conducting the procurement at the time of entering into a cost-plus-fixed-fee contract.

(b) *Experimental, developmental, or research work.* The fixed fee shall not exceed 15 percent of the estimated cost of the contract, exclusive of the fee, as determined by the appropriate Commissioner of the procuring service at the time of entering into a cost-plus-a-fixed-fee contract for experimental, developmental, or research work.

§ 5A–3.408 Letter contract.

(a) Letter contracts shall not be used unless the head of the procuring activity (see § 5A–1.206) has determined that no other type of contract is suitable, and prior approval has been obtained from the Commissioner of the procuring service. Each letter contract shall be superseded by a definitive contract not more than 90 days from the date of its execution except as provided in (b). In addition, the limitations set forth in § 1–3.408 are applicable.

(b) Letter contracts shall not be extended or amended without prior approval of the original approving authority. Requests for approval of extensions or increases shall include all pertinent information, including reasons as to why a definitive contract cannot be executed without such amendment.

Subpart 5A–3.6—Small Purchases

Sections 5A–3.605, 5A–3.605–1, 5A–3.606–4, 5A–3.606–50, and 5A–3.651 are added as follows:

NOTE.—This supersedes the revision of §§ 5A–3.606–4 and 5A–3.606–50 as indicated in 41 FR 11024

§ 5A–3.605 Purchase order forms.

§ 5A–3.605–1 Standard Form 44, Purchase Order-Invoice-Voucher.

(a) *General.* Use of the Standard Form 44, Purchase Order-Invoice-Voucher (illustrated at § 1–16.901–44), will not serve the best interest of either the Government or business when the accounting system of the seller requires production of an invoice as a matter of routine. In these cases, whichever of the other authorized methods of making small purchases is most appropriate shall be used. Whenever possible, within the dollar value limitations of each method, preference shall be given to the use of imprest funds and blanket purchase arrangements (see § 5A–3.606).

(b) *Authorization for use of a form.* Responsible employees of the offices who have a need may be authorized to make small purchases through the use of Standard Form 44 in accordance with this § 5A–3.605–1.

(c) *Issuance of books from stock.* Issuances of books from stock shall be made only to the appropriate Assistant

Commissioners in the Central Office and Regional Commissioners, or to their designees. These officials shall be responsible for the custody and issuance of the books to the users and shall maintain a simple card record for each book issued.

§ 5A–3.606 Blanket purchase arrangements.

§ 5A–3.606–4 Documentation.

(a) Blanket purchase arrangements normally shall be documented on a purchase order form. Each blanket purchase arrangement shall contain appropriate provisions relating to the following:

(1) Authorization to the supplier to furnish the supplies or services described in general terms in the arrangement when called for by authorized person(s) listed therein.

(2) Individual call orders against such arrangements shall not exceed $5,000.

(3) The Government will be obligated only to the extent of the call orders actually made against the blanket purchase arrangement by authorized persons.

(4) Suppliers shall submit an invoice as required, but not more than once a month. The original of each delivery ticket shall accompany the invoice.

(5) The blanket purchase arrangement should specify the place(s) to which deliveries are to be made. (Usually the arrangement will provide for delivery to the requiring activity.)

(6) The arrangement should state the discount terms which will apply to orders placed against the blanket purchase arrangement.

(b) Only officials authorized or designated in the blanket purchase arrangement shall be permitted to request deliveries. Delivery (call) orders shall usually be made by telephone or in person. Except for blanket purchase arrangements under Federal Supply Schedule contracts, procurement under purchase arrangements may not be effected for items available from regular supply channels. Therefore, prior to placing calls against the blanket purchase arrangement, each requirement shall be screened for availability from mandatory sources of supply. Necessary controls shall be maintained by the person placing call orders under the blanket purchase arrangement to ensure that any limitation stated therein is not exceeded. The blanket purchase arrangement identification, and requisition number, if any, should be specified each time a delivery is requested.

(c) Each blanket purchase arrangement shall be numbered or otherwise identified in an appropriate manner and shall include the statement, "Negotiation authority—section 302(c)(3), Federal Property and Administrative Services Act of 1949."

(d) When deliveries are made, the receiving activity will retain one copy of the related delivery ticket and return the remaining copies to the supplier; one copy of which is to be signed. Each delivery ticket must contain the following information: Blanket purchase arrangement identification; requisition number, if any; the name of the person placing the call; an itemized listing of the materials furnished; and the quantity, price, and extension of each item.

§ 5A–3.606–50 Oral purchases.

(a) When advantageous to the Government, supplies or services may be procured orally from local suppliers at the site of work or use point, or by a supply distribution facility when authorized, using vendors invoices in lieu of purchase orders pursuant to the provisions of this § 5A–3.606–50.

(b) Oral purchases shall be effected only by persons duly authorized or designated, and in accordance with applicable laws and regulations subject to the following:

(1) The amount of any one purchase is $500 or less;

(2) A purchase order is not required by either the supplier or the Government; and

(3) Appropriate invoices are obtainable from the supplier.

(c) The items to be purchased shall be domestic source end products, except (i) where the item is for use outside the United States, (ii) the Government has determined that the item is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (iii) the cost of the domestic source end product would be unreasonable or its acquisition would be inconsistent with the public interest. The determination that the cost of a domestic source end product is unreasonable shall be made by adding 6 percent to the price of the foreign item (including duty), or 12 percent where the offeror of the domestic item is a small business concern or a labor surplus area concern (as defined in §§ 1–1.701–1 and 1–1.801–1 respectively), or both. If the domestic item price is higher than that of the foreign item after adding the above percentage factors to the foreign item price, the domestic item price may be considered unreasonable and the foreign item may be purchased. (See Subpart 1–6.1.) For special rules governing purchases of hand and measuring tools see § 5A–6.104–50.

(d) Each ordering office using this purchasing technique shall require the supplier to immediately submit properly prepared invoices which itemize property or services furnished.

(e) Invoices which evidence receipt of the property or services shall be endorsed by an authorized Government representative.

(f) Informal records shall be maintained by the ordering office when necessary (including identification of the person placing the order) to assure that the personal property or nonpersonal services ordered are actually received. (See also § 1–3.603.)

(g) To facilitate payment of invoices, ordering offices should advise the paying office when oral purchase arrangements are authorized.

§ 5A–3.651 Unpriced purchase order.

§ 5A–3.651–1 Conditions for use.

An unpriced purchase order may be used only when all of the following conditions are present:

(a) The transaction will not exceed $2500;

(b) Only one delivery and one payment will be made;

(c) It is impractical to obtain pricing prior to the issuance of the purchase order; and

(d) The procurement is for:

(1) Repairs to equipment requiring disassembly to determine the nature and extent of such repairs;

(2) Sole source material not currently in production for which the cost cannot be readily established; or

(3) Supplies or services where prices are known to be competitive but for which exact prices are not known.

§ 5A–3.651–2 Procurement and payment.

(a) An authorized purchase order form shall be used to issue unpriced purchase orders.

(b) A realistic monetary limitation shall be placed on the unpriced purchase order which shall be an obligation subject to adjustment when the firm price is established.

(c) The supplier shall be notified that when the estimated monetary limitation is sufficient to cover the procurement, he is expected to make delivery or perform and be reimbursed.

(d) The supplier shall be notified when the total price exceeds the estimated monetary limitation, or if materials or services cannot be furnished in exact accordance with the description set forth; the contracting officer shall be notified and performance shall be withheld pending advice from the ordering office.

(e) The supplier shall be advised to submit his invoice to the ordering officer for approval to ascertain fairness and reasonableness of the price.

(f) The ordering officer shall, after approval, endorse the invoice as to the proper receipt of the property or services covered thereon.

(g) The following clause shall be included in each unpriced purchase order:

NOTICE TO SUPPLIER

This is a firm order if the price is $—— or less. Make delivery or perform as soon as possible and submit invoice to the ordering officer of the purchase office named herein.

If total price of this order will exceed the above amount or if you cannot furnish material or services in exact accordance with the description set forth herein, notify the undersigned ordering officer immediately, giving your quotation or proposed substitution or changes, and withhold performance pending reply.

§ 5A–3.651–3 Record of status.

Suitable records and controls of outstanding unpriced purchase orders shall be maintained to ensure regular followup with suppliers until the order is priced.

Subpart 5A–3.12—Cost Accounting Standards

Section 5A–3.1210 is added as follows:

§ 5A–3.1210 Cost Accounting Standards Board report.

(a) All FSS divisions having procurement responsibility shall, within 60 days after the close of each calendar year, submit a report to the Assistant Commissioner of Procurement, Attn: FPP, in accordance with the requirements of § 1–3.1210(c). Negative reports are required.

(b) The Policy and procedures Division (FPP) is responsible for consolidating this report within FSS and submitting it within 90 calendar days after the close of each calendar year.

Subpart 5A–3.70—Solicitation of Offers

Section 5A–3.7003 is revised as follows:

§ 5A–3.7003 Bidders mailing lists.

Bidders mailing lists for negotiated procurements shall be established, maintained, and utilized in accordance with §§ 1–2.205 and 5A–2.205. (Not applicable to ADTS.)

PART 5A–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

The table of contents for Part 5A–5 is amended to add § 5A–5.805–50.

Sec.
5A–5.805–50 Administration of delinquent delivery orders.

Subpart 5A–5.8—Procurement of Products of the Blind and Other Severely Handicapped

Section 5A–5.805–50 is added as follows:

§ 5A–5.805–50 Administration of delinquent delivery orders.

Administration of delinquent orders shall be in accordance with FPR 1–5.805–6 and the Procurement List issued by the Committee for Purchase from the Blind and Other Severely Handicapped (see 41 CFR 51–5.1–2(1) and 51–5.7). The negotiated adjustments shall exclude requests for price consideration for delivery schedule adjustments. The Socio-Economic Policy Division (FCH) will provide assistance, upon request, in attempts to resolve problems of nondelivery by a workshop. Do not request price consideration for delivery extensions from the workshops.

PART 5A–6—FOREIGN PURCHASES

Subpart 5A–6.1—Buy American Act—Supply and Services Contracts

Section 5A–6.104–50(a) is revised as follows:

§ 5A–6.104–50 Evaluating bids for hand and measuring tools.

(a) *Appropriation act restrictions.* Title V, Section 505 of Pub. L 94–91 provides the following:

Sec. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by Section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

* * * * *

PART 5A–7—CONTRACT CLAUSES

The table of contents for Part 5A–7 is amended to change the title of § 5A–7.103–75 and to add new entries as follows:

Sec.
5A–7.102–81 Dun & Bradstreet Identification Numbers (DUNS ID NO.)
5A–7.103–52 Delivery orders received and shipments made.
5A–7.103–53 Progressive awards and monthly quantity allocations.
5A–7.103–54 Monthly supply potential.
5A–7.103–55 Method of Award clause for use with MSP clause.
5A–7.103–56 Minimum order limitation.
5A–7.103–57 Standby-Stock clauses.
5A–7.103–58 Aggregate method of award.
5A–7.103–75 Standard and nonstandard pack items.
5A–7.103–95 Production and delivery orders.

Subpart 5A–7.1—Fixed-Price Supply Contracts

1. Section 5A–7.102–6 is revised as follows:

§ 5A–7.102–6 Responsibility for supplies (Rejected supplies).

The following provision (included in GSA Form 1424) shall be inserted in all solicitations for supplies.

RESPONSIBILITY FOR SUPPLIES (REJECTED SUPPLIES)

As provided in Article 6 of Standard Form 32, the Contractor shall bear all risks as to rejected supplies after notice of rejection. The Contractor shall be liable for all costs, including but not limited to storage costs, incurred by the Government in taking such measures as are expedient to save unnecessary loss to the Contractor. Should the Contractor upon due notice fail to remove or provide instructions for the removal of such rejected supplies within the period specified by the Government, or if no period is specified, within a reasonable period of time, the supplies may be stored for the Contractor's account, or reshipped to the Contractor at his expense, or sold to the highest bidder on the open market and the proceeds applied against the accumulated storage and other costs, including costs of the sale. The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

2. Section 5A–7.102–78 is revised as follows:

§ 5A–7.102–78 Advertising of award.

(a) The following clause, except as indicated in (b), below, shall be included in all solicitations. The clause appears as Article 44 in GSA Form 1424.

ADVERTISING OF AWARD

The Contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or service.

(b) When Experimental Technology Incentives Programs (ETIP) provisions are included in a solicitation, the following clause shall be used.

ADVERTISING OF AWARD WITH EXPERIMENTAL TECHNOLOGY INCENTIVES PROGRAM (ETIP) PROVISIONS

Article 44 of GSA Form 1424 is inapplicable, and the following is substituted therefor.

The Contractor agrees not to refer to awards in commercial advertising in an inaccurate or misleading manner or in such a manner as to state or imply that the product or service is endorsed by the Federal Government. The Contractor may state that he has received an award under the ETIP program pursuant to the ETIP criteria provided that such information is complete and accurate.

3. Section 5A–7.102–81 is added as follows:

§ 5A–7.102–81 Dun & Bradstreet Identification Numbers (DUNS ID NO.).

The following clause shall be included in all Solicitations.

DUN & BRADSTREET IDENTIFICATION NO.

Offeror's Dun & Bradstreet Identification Number is _____ (insert number if registered with Dun & Bradstreet).

4. Section 5A–7.103–52 is added as follows:

§ 5A–7.103–52 Delivery orders received and shipments made.

When contractors' reports of delivery orders received and shipments made are required, the following clause shall be included in the solicitation for offers:

CONTRACT DELIVERY STATUS RECORD

Pursuant to Clause 5(g) of GSA Form 1424, Contractors shall maintain a record of all orders received and shipments made under this contract. This record shall be maintained on GSA Form 1678, Contract Delivery Status Record, and one copy of the form shall be furnished to the Quality Assurance Specialist (QAS) servicing the contractor's facility and one to the contracting officer no later than the 7th work day of each month the contract is in effect, and at any other time when so requested by the QAS. Failure or refusal to furnish the required copies of the GSA Form 1678, or falsification of the information reported, constitutes sufficient cause for terminating the contract for default in accordance with the provisions of Article 11 of Standard Form 32.

5. Section 5A–7.103–53 is added as follows:

§ 5A–7.103–53 Progressive awards and monthly quantity allocations.

A clause similar to the following shall be used in solicitations specifying progressive awards. See § 5A–72.212, Progressive awards. The clause is only a sample, and any necessary modifications may be made.

PROGRESSIVE AWARDS AND MONTHLY QUANTITY ALLOCATIONS

(a) *Monthly quantity allocation.* (1) Set forth below are the Government's estimated annual and monthly requirements for each stock item covered by this invitation. In order to preclude the placement of orders with any Contractor in excess of his production capacity, bidders are requested to indicate, in the spaces provided, the total quantity per month which they are willing to furnish of any item, or group of items, involving the use of the same production facilities. Since the number of items on which any bidder may be eligible for award cannot be determined in advance of bid opening, bidders are urged, in making monthly allocations, to group, for allocation purposes, as many items as possible. Such groupings will make it possible for the Government to make fullest use of the production capabilities of each bidder. (2) Bidders need not limit their monthly allocations to the Government's estimated monthly requirements, since additional unanticipated needs may occur during the period of the contract. If a bidder does not insert monthly allocation quantities, he will be deemed to offer to furnish all of the Government's requirements, even though they may exceed the stated estimated requirements.

National stock No.	Estimated annual requirements	Estimated monthly requirements

Bidders monthly quantity allocations

Items or groups of items	Monthly allocation quantity

(b) *Progressive awards.* If the low responsive bidder offers a monthly quantity allocation of less than the Government's estimated requirements, the Government may make progressive awards to the extent necessary to meet the estimated requirements. In such cases, awards will be made to the low responsive bidder, covering Government requirements up to that bidder's stated monthly quantity allocations, and then progressively to other bidders to the extent necessary.

(c) *Ordering procedures.* If progressive awards are made, orders will be placed first with the Contractor offering the lowest price on each item normally up to that Contractor's maximum quantity allocation and then, in the same manner, successively to other Contractors. However, to avoid the placement of unduly small orders or the splitting of a single requirement between two Contractors, the Government reserves the right to place orders with back-up Contractors whenever the orders placed with lower priced contracts equal or exceed 95 percent of their monthly quantity allocation for the item or group of items being ordered. In no case will orders be placed with any contractor in excess of his monthly quantity allocation.

6. Section 5A–7.103–54 is added as follows:

§ 5A–7.103–54 Monthly supply potential.

(a) The Monthly Supply Potential (MSP) clause, below, and the Method of Award clause (§ 5A–7.103–55) shall be included in solicitations for requirements contracts for stock items. (See § 5A–72.211.)

MONTHLY SUPPLY POTENTIAL

(a) The estimated requirements of the Government for the contract period and the estimated peak monthly requirements are shown in the schedule of items. Bidders are requested to indicate, in the spaces provided, the total quantity per month which they are willing to furnish. This monthly supply potential will be used in order to preclude the placement of orders in excess of a Contractor's production capacity. Bidders are urged to group as many items or groups of items as possible in setting their monthly supply potential since the items or groups for which they may be eligible for award cannot be predetermined. Such grouping will make it possible to make the fullest use of the production capacity of each successful bidder. For example, if a bidder's production facilities can produce all of the items, or groups solicited, the bidder may insert a single overall limitation on the quantity that he can supply. Bidders are cautioned that in order to qualify for an award, their monthly supply potential must cover the Government's estimated peak monthly requirement for each item or group to be awarded. Groups of individual items will not be subdivided for award purposes.

(b) If a bidder does not specify a monthly supply potential, he will be deemed to offer to furnish 125 percent of the Government's estimated peak monthly requirement for the item or group of items. The quantity determined shall then be considered as the bidder's monthly supply potential.

Bidder's monthly supply potential

Items or groups of items	*Bidder's monthly supply potential*

(c) For each bid item or group of bid items awarded pursuant to this solicitation, the Contractor shall be obligated to fill all orders (regardless of destination) received by him during any 1 calendar month after the effective date of the contract if the aggregate total quantity of such orders does not exceed either (i) his stated monthly supply potential or (ii) if no monthly supply potential is staed, 125 percent of the estimated peak monthly requirement for the item(s) awarded.

(d) The Contractor may refuse to accept orders, or portions thereof, in excess of the monthly quantities he is required to accept, which are received in any 1 calendar month. This refusal must be written and mailed to the ordering office within 5 calendar days after receipt of the order. Failure to refuse the order within 5 calendar days shall be deemed to be acceptance of the order by the Contractor.

(e) If the Contractor will not accept any additional orders after reaching his required monthly total, he is required to notify the Contracting Officer. This refusal shall be made within 5 calendar days of the receipt of the order or the order will be deemed to have been accepted.

(f) Orders, or portions of thereof, which have been properly refused by the Contractor may be procured outside of the contract without prejudice of either party.

(g) Upon acceptance of order for quantities in excess of the quantities specified in paragraph (b), above, the Contractor will be allowed _____* additional days for delivery (or for making the additional quantities available for inspection or testing): *Provided*, That the Contractor notifies the Contracting Officer that additional delivery time is required. This notification shall include the contract number, NSN, purchase order number, date of receipt of purchase order, and the quantity which is in excess of the monthly quantities the Contractor is required to accept.

NOTE.—The estimated peak monthly requirements shown in this solicitation are based primarily on the Government's economic order quantity. In order to give Contractors an indication as to the frequency of orders, the number of orders expected to be placed during the contract period is shown in parentheses next to the estimated peak monthly requirements. Computations as to the frequency of orders are necessarily based on past experience, and Contractors are cautioned that this ordering pattern may change. This information is furnished to facilitate Contractor's production planning and has no bearing on the contractual obligations of either party.

(b) Paragraphs (d) and (e) of the Monthly Supply Potential Clause may be revised as follows in order to reduce the time otherwise involved in the offering and acceptance of orders in excess of the MSP. However, the inventory manager and/or the procurement activity must control the issuance of delivery orders to ensure that contact is made with the Contractor before orders exceeding the MSP are issued.

MONTHLY SUPPLY POTENTIAL

(a) No change.
(b) No change.
(c) No change.
(d) The Contractor may refuse to accept orders, or portions thereof, which are received in any one calendar month which exceed the monthly quantities he is required to accept.
(e) Orders, or portions of orders, which exceed the Contractor's monthly supply potential will first be offered to the Contractor by telephone or telegram. The Contractor shall furnish his acceptance or refusal by telegram, telephone, or in writing within 3 working days from the date of the telephone conversation or receipt of the telegram.

If the Contractor accepts or refuses by telephone, he shall send a confirming telegram or letter. The Contracting Officer shall deem that failure by the Contractor to respond to such offer within 3 working days to be the same as refusal of the offer.

(f) No change.
(g) No change.
NOTE. No change.

(c) Guidelines for use of the Monthly Supply Potential (MSP) and Method of Award clauses.

(1) Items or groups of items will not be subdivided for award purposes. Subdivision for partial quantity may be made only as progressive awards (see § 5A–72.212).

(2) The MSP clause provides space for bidders to insert their MSP's for individual items, or to furnish a combined MSP

* INSTRUCTION TO CONTRACTING OFFICER: Fill in the blank with a number of additional days not to exceed 50 percent of the specified delivery time or 45 days, whichever is less.

for all items or groups of items. This space shall not be rearranged or relocated in the listing as it is designed to encourage bidders to furnish a combined MSP for as many items or groups of items as possible.

(3) Estimated requirements for the contract period and estimated peak monthly requirements (EPMR) shall be shown for each item whether the award is to be made on individual items or in the aggregate.

(4) The contracting officer shall use in solicitations the estimated quantities and EPMR's furnished by the inventory manager. Changes to the quantities may be made by the contracting officer only after coordination with the inventory manager. Quantities may be adjusted to bring them in line with standard pack requirements and to round them off.

(5) The number of orders which may be expected to be placed during the contract period will be shown in the requirements forecast. This figure shall be shown in solicitations in parentheses next to the EPMR. Accordingly, a note has been added to the MSP clause to explain to bidders the significance of this parenthetical figure.

7. Section 5A–7.103–55 is added as follows:

§ 5A–7.103–55 Method of Award clause for use with MSP clause.

The following clause shall be used in solicitations containing the MSP clause in § 5A–1.103–54. The clause must be appropriately modified where the solicitation covers only items to be awarded individually or only groups of items to be awarded in the aggregate. Also, par. (b) (1) must be modified where other than the weighted factor formula method (e.g., pre-established price list method) is to be used.

METHOD OF AWARD

(a) Award will be made to the low responsive bidder based on the Government's estimated peak monthly requirements. The quantity awarded will be limited by the offeror's stated monthly supply potential. Within the limits prescribed by the offeror, the Government will apply bidder's monthly supply potential to any items or groups of items offered, as the Government's interest requires. Because groups or individual items will not be subdivided for award purposes, offeror's monthly supply potential must cover the Government's estimated peak monthly requirements for each group or item to be awarded to the bidder.

(b) Award will be made as follows:

(1) Groups ____: In the aggregate by group. The low aggregate bidder will be determined by multiplying the unit price submitted on each item by the estimated quantity specified, and adding the resultant extensions. In order to qualify for an award on a group, prices must be submitted on each item within the group.

(2) Items ____: Item-by-item.

8. Section 5A–7.103–56 is added as follows:

§ 5A–7.103–56 Minimum order limitation.

(a) When bidders are reluctant to accept small orders and will increase prices to cover additional costs for handling the orders, the following provision shall be included in solicitations for requirements contracts for stock items.

MINIMUM ORDER LIMITATION

(a) No ordering office will be obligated to order and no Contractor will be obligated to make any delivery amounting to less than ____, but such deliveries may be ordered by the Government subject to acceptance by the Contractor. Failure on the part of the Contractor to return the order by mailing or otherwise furnishing it to the ordering office within 5 working days after receipt shall constitute acceptance whereupon all other provisions of the contract shall apply to such order.

(b) Notwithstanding the foregoing, where either Government Standard Pack or Commercial Standard Pack (shipping container) is specified in the contract, orders shall be placed by the Government in shipping container quantity except as set forth in paragraph (c), below.

(c) The Government may at its option place orders for less than a shipping container quantity, providing such quantity equals a unit, intermediate pack, or multiples thereof, up to a shipping container quantity. Such orders shall be packed in accordance with the applicable packaging and packing specification.

(b) In the blank, the contracting officer shall enter the minimum economical quantity in terms of dollar amount, pounds, gallons, drums, packages, dozens, etc., coinciding with unit(s) of issue specified in the schedule. Contracting officers shall consider the compatibility between the minimum order limitation and the normal standard pack.

9. Section 5A–7.103–57 is added as follows:

§ 5A–7.103–57 Standby-stock clauses.

(a) The following clause may be used when practicable and when its use will result in significant advantages to the Government. See Subpart 5A–72.6, Standby-stock procurement policies and procedures.

STANDBY STOCK

(a) Initial quantity.

For each item awarded to him, the Contractor shall by the beginning of date of the ordering period or within ____ calendar days after the date of award, whichever is later, produce and have inspected by the Government, as being in compliance with contract requirements, ____ times the number of units specified in the schedule as the estimated monthly requirement for that item.

(b) Replenishment of standby stock.

With respect to each item, the Contractor shall replenish the standby stock with items inspected by the Government, as being in compliance with contract requirements, at such times as to ensure that all orders received by the Contractor in any one calendar month, which are within the estimated monthly requirements for that item, are shipped within the time period specified in (e), below. No replenishment action shall be initiated by the Contractor during the last —— months of the contract.

(c) Guarantee to purchase.

(1) The Government guarantees to purchase with respect to each item an amount equal to the initial standby-stock quantity for that item plus the total quantity of all delivery orders for that item which (1) do not exceed the estimated monthly requirement for that item, and (2) are received by the Contractor prior to the last —— months of the contract. However, with respect to each item, the Government reserves the right to notify the Contractor at any time during the contract period that orders received in the calendar months succeeding the month in which such notice is received, shall not fall within the above guarantee. In such event, the Contractor's obligation to ship in accordance with (e), below, shall continue only until such time as the orders received in succeeding months, which are within the estimated monthly requirement, equal the initial standby-stock quantity for that item. All other orders shall be shipped in accordance with (f), below.

(2) The Contractor shall, 45 to 30 calendar days prior to the expiration date of the contract and again within 10 days following the expiration date of the contract, notify the Contracting Officer by letter of any unordered quantity which the Government has guaranteed to purchase. Failure to notify the Contracting Officer within the prescribed times shall relieve the Government of its obligation to order; however, if the Government elects to issue orders for the entire balance or any portion thereof, the Contractor will be obligated to furnish such quantities. The Government reserves the right to defer placing orders for any unordered quantity it has guaranteed to purchase for 30 calendar days following the expiration date of the contract.

(d) Deferment of initial orders.

In order not to disrupt the orderly and expeditious production of the initial standby-stock quantities, the Government will not place, and the Contractor will not be permitted to accept, orders under this contract prior to the beginning date of the ordering period or prior to ____ days after date of award, whichever is later.

(e) Time for shipment-orders within the estimated monthly requirement.

The Contractor shall furnish all quantities ordered during any calendar month which do not exceed the estimated monthly requirements set forth in the schedule. Such quantities shall be shipped within ____ days after receipt of orders.

(f) Orders in excess of the estimated monthly requirement.

The Government is obligated to place pursuant to this contract, all orders for the supplies covered herein except (1) orders for less than the minimum in the Minimum Order Limitation clause; (2) orders in excess of the maximum specified in the Maximum Order Limitations clause; and (3) in the case of exigencies, as specified in the Scope of Contract clause. The Contractor, however, may with respect to any item refuse to accept all orders or portions thereof received in any one month which exceed the estimated monthly requirement for that item. Such refusal to accept must be communicated to the office issuing such orders within ____ days of receipt of the orders by the Contractor. Failure to communicate the refusal to accept to the office issuing the delivery order within the time required shall be deemed to be acceptance of the order by the Contractor. With respect to all orders in excess of the estimated monthly requirement accepted or deemed to have been accepted by the Contractor, shipment shall be within ____ calendar days from the date of receipt of the order. Acceptance of orders in excess of the estimated monthly requirement *shall not relieve* the Contractor from complying with the delivery schedule in (e), above, with regard to orders falling within the estimated monthly requirement.

(g) Inspection.

Supplies shall not be shipped until they have been inspected at origin in accordance with the terms of this contract and found to

conform with contract requirements, unless specifically permitted otherwise under an existing Quality Approved Manufacturer Agreement.

(h) Filling orders.

(1) Orders shall be filled in the same order they are received by the Contractor, unless otherwise authorized by the Contracting Officer.

(2) Supplies which are subject to any shelf-life requirements specified in this contract shall be shipped from standby-stock on a "first-in, first-out" basis provided the remaining shelf-life upon delivery is sufficient to comply with the terms of the contract.

(i) Maintenance of records by Contractor. The Contractor shall maintain detailed records at the inspection point showing the following information for each item:

(A) Quantity of standby stock on hand (not specifically allocated to orders received);

(B) Cumulative total of quantities shipped from standby stock;

(C) Quantities in production for standby stock replenishment pursuant to (b), above, and the dates for each quantity scheduled;

(D) For each delivery order received, the order number, date of order, date order received, quantity order, and date shipped.

(1) In paragraph (a) of the clause, the number of days to be inserted in the first blank shall be representative of the time required by the majority of firms in the industry to produce and have inspected the initial quantity. If the initial quantity is equal to the estimated monthly requirement, the second blank and the word "times" shall be omitted; otherwise, the blank shall be filled in with the initial quantity expressed as ½, 1½, 2, 3 times, etc., as appropriate.

(2) In paragraph (b) of the clause, the number of months to be inserted in the blank shall be equal to the figure obtained by dividing the initial standby-stock quantity by the estimated monthly requirement.

(3) In paragraph (c) of the clause, the number of months to be inserted in the blank shall be the same as in (2), above.

(4) In paragraph (d) of the clause, the number of days to be inserted in the blank shall be the same number inserted in the first blank in paragraph (a) of the clause, above.

(5) In paragraph (e) of the clause, a reasonably short time should be inserted in the blank—say 5 to 10 days.

(6) In paragraph (f) of the clause, in the first blank, insert a reasonably short time. In the second blank, insert the same number of days as in the first blank in paragraph (a) of the clause, above.

(7) The clause is for use in solicitations which provide for award on an item-by-item basis. When used in solicitations which provide for award by groups of items, the language must be appropriately modified.

(b) Each solicitation which provides for standby stock shall include the following three clauses:

SCOPE OF CONTRACT

This contract for the period (1), or date of award whichever is later, through (2), provides for the normal supply requirements of the General Services Administration supply distribution facilities identified herein during the ordering period beginning (3) or (4) days after date of award, whichever is later, through (5). The General Services Administration is obligated, except in exigencies or as may be otherwise provided herein, to purchase hereunder such quantities as may be needed from time to time to fill any such supply distribution facilities requirements determined in accordance with currently applicable procurement and supply procedures. Except as otherwise provided herein, the Contractor is obligated to deliver hereunder all such quantities as may be so ordered from time to time. The quantities shown represent the estimated requirements for each item during the ordering period, are furnished only for the information of offerors, but shall not be construed to represent any amount which the Government shall be obligated to purchase under the contract nor relieve the Contractor of his obligation to fill all orders which may be placed hereunder. If during the contract period significant changes in the estimated quantities occur, the Government will, where feasible, notify the Contractor of such changes. However, such notification is furnished exclusively for the Contractor's information and has no bearing on the contractual obligations of either party.

NOTE TO CONTRACTING OFFICER: Insert in blank (3), above, the expected beginning date of the ordering period. Insert in blanks (2) and (5) the ending date of the ordering period. Insert in blank (1) the date which precedes the date inserted in blank (3) by the number of days allowed for production and inspection in determining the required standby-stock quantities under § 5A–72.604. Insert in blank (4) the number of days between the dates inserted in blanks (1) and (3).

GOVERNMENT'S OBLIGATION UNDER PREVIOUS CONTRACT

This contract shall not be deemed to cover requirements which are filled by supplies which the Government is obligated to order under a previous contract.

OFFEROR'S MONTHLY QUANTITY LIMITATION (FOR AWARD PURPOSES ONLY)

The offeror may, by appropriate entries in the spaces below, limit the quantities he may be obligated to furnish under a resultant contract. Since the items or groups of items on which an offeror may be eligible for award cannot be determined in advance of opening of offers, offerors are urged to state a single overall monthly quantity limitation applicable to as many items or groups of items as possible. In the event the monthly quantity limitation indicated is less than the total of the estimated monthly requirements shown in the schedule for all items or groups of items on which the offer is submitted, the Government may select those items or groups of items for award which will result in the lowest overall cost to the Government, unless otherwise restricted by the offeror. If the offeror does not indicate a monthly quantity limitation, it will be deemed to be the estimated monthly requirement for each item or group of items on which the offer is submitted. In order to qualify for an award, the offeror's monthly requirement for each individual item or group of items to be awarded to the offeror. Individual items or groups of items will not be subdivided for award purposes.

OFFEROR'S MONTHLY QUANTITY LIMITATION

Items or groups of items	*Units*

(c) Each solicitation containing standby-stock provisions shall also contain all applicable clauses required by regulation, except as amended as follows:

(1) According to paragraph 5(a)(2), GSA Form 1424, GSA Supplemental Provisions, the solicitation shall contain the following provision and blank spaces for offerors to complete:

SOURCE INSPECTION

Clause 5, GSA Form 1424, GSA Supplemental Provisions, applies, except for the following phrase in paragraph 5(a)(1)(a): "the Contractor is notified in writing by the Contracting Officer or his designated representative." Offerors shall complete the following spaces to indicate where supplies will be available for inspection.

Item No.	Name of manufacturing plant or other facility	Address (including county)

(2) Clause 43 (Deliveries Beyond the Contractual Period—Placing of Orders) of GSA Form 1424 does not apply.

(3) Since the time of delivery requirements for standby-stock items will be stated in the standby-stock clause, no other time of delivery will be used.

(d) Generally, the clauses identified in (1) through (6), below, shall be located in solicitations in the sequence indicated:

(1) Scope of contract. (See § 5A–7.103–57(b).)

(2) Government's obligation under previous contracts. (See § 5A–7.103–57(b).)

(3) Minimum order limitation. (See § 5A–7.103–56.)

(4) Maximum order limitation. (See § 5A–73.205–5.)

(5) Standby-stock. (See § 5A–7.103–57(a).)

(6) Offeror's monthly quantity limitation. (See § 5A–7.103–57(b).)

10. Section 5A–7.103–58 is added as follows:

§ 5A–7.103–58 Aggregate method of award.

The following clause is authorized for use in definite quantity procurements with multiple delivery dates. However, the contracting officer must ensure himself that there is justification for making aggregate awards, and document the procurement file accordingly. The clause below aggregates two groups with four scheduled delivery dates. They are examples only. Other grouping and multiple delivery dates may be substituted.

METHOD OF AWARD (AGGREGATE AWARDS)

Awards will be made in the aggregate for Groups ____ and ____. Each of these groups is subdivided into four quantities representing four delivery dates.

	Quantity
(i) 90 days after notice of award	____
(ii) 120 days after notice of award	____
(iii) 150 days after notice of award	____
(iv) 180 days after notice of award	____

The low aggregate offer will be determined by multiplying the unit prices quoted for Groups ____ and ____ by the quantity applicable to the delivery date. The results of these multiplications will be added to determine the low bidder.

In order to qualify for an award, price(s) must be submitted for all quantities in both group ____ and ____.

11. Section 5A–7.103–75 is revised as follows:

§ 5A–7.103–75 Standard and nonstandard pack items.

(a) The following clause shall be included in solicitations for stock items for which standard packs have been established:

STANDARD PACK ITEMS

To facilitate the distribution and handling of certain items of stock, the General Services Administration has established standard packs of specified number of units per container. Where standard unit packing has been cited for an item in the Schedule or the referenced specification, such packing is necessary. A bid offering to furnish an item in other than the pack specified shall be considered nonresponsive with respect to that particular item.

(b) Solicitations for which a standard pack has not been established shall include the following clause (see § 5A–72.214). The clause is shown as clause 30(b), GSA Form 1424.

NONSTANDARD PACK ITEMS

(a) Except for those items for which packaging and packing requirements are cited in the Schedule or included in a referenced specification, items covered by this invitation for bid may be shipped in commercial containers: *Provided:* (1) Each shipping container of each item in a shipment is of uniform size and content, except for residual quantities; (2) the gross weight of each shipping container does not exceed 80 pounds except when the weight of a single item within the shipping container is of a higher weight; and (3) shipping containers comply with requirements of the Uniform Freight Classification or the National Motor Freight Classification (issue in effect at time of shipment).

(b) In the event any shipment is not packaged and packed in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32, to (i) reject the shipment; or (ii) perform the required repackaging/repacking by use of Government personnel and charge the Contractor therefor at a rate of $11 per manhour for the first or fractional hour and $6 for any succeeding or fractional hour; or (iii) have the repackaging/repacking performed by an independent Contractor and charge the Contractor therefor at the above rates. In connection with any prompt payment discount offered, time will be computed from the date of completion of such repackaging/repacking service.

12. Section 5A–7.103–86 is revised as follows:

§ 5A–7.103–86 Requirements for recycled material for specified paper products.

(a) The following clause shall be used in solicitations for paper products (building materials, office supplies, packaging supplies, tissue and miscellaneous) to be procured under the Federal Specifications listed in § 5A–76.322 except when the use of this clause, in the opinion of the contracting officer, will cause a significant increase in contract price. When the clause is used, the applicable specification numbers and titles shall be inserted in the respective blank spaces in paragraph (a) of the clause. Any related change in the requirements of the specifications shall be coordinated with the appropriate specification manager. The applicable percentage figures (par. (b) of the clause) must be obtained from the Special Programs Branch, Office of Standards and Quality Control, for each solicitation containing this provision.

REQUIREMENTS FOR RECYCLED MATERIAL FOR SPECIFIED PAPER PRODUCTS

(a) The following requirement applies to all products where compliance with specification ——* for ——* is prescribed. The use of reclaimed fibers shall not constitute a waiver of any specification requirements.

(b) *Reclaimed fiber content.* The products identified in paragraph (a), above, shall have a *minimum* reclaimed fiber content of ——* percent of the total weight of the paper stock. A minimum of ——* percent of the total weight of the paper stock shall be of reclaimed fibers from sources listed in Part I, below. The balance of reclaimed fibers, i.e., ——* percent of the total weight of the paper stock shall be from sources listed in Part II, below.

(c) *Fiber content certification.* The percentages stated are the Government's minimum requirements. By submission of an offer, offeror certifies compliance with these minimum requirements. Failure to comply will result in the rejection of the bid on grounds of nonresponsiveness. Bidders are encouraged, however, to exceed these minimum requirements in the performance of any resultant contract.

(d) *Reclaimed fiber sources.*

PART I—Post-consumer wastes.

(i) Paper, paperboard, and fibrous wastes from factories, retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item, including used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage.

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste.

PART II—Manufacturing, forest residues, and other wastes.

(i) Dry paper and paperboard waste generated after completion of the papermaking process (i.e., those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock.

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(iii) Fibrous by-products of harvesting, manufacturing, extractive, or wood-cutting processes, flax straw, linters, bagasse, slash, and other forest residues.

(iv) Wastes generated by the conversion of goods made from fibrous material, i.e., waste rope from cordage manufacture, textile mill waste, and cuttings.

(v) Fibers recovered from waste water which otherwise would enter the waste stream.

*Make appropriate entries. If space is insufficient make entries below the end of provision or on separate sheet(s).

(b) Upon award of contracts for products requiring the use of reclaimed fibers, procurement activities shall complete Part A of the Contract Award Summary format illustrated in § 5A–76.323 and submit it to the addressee (FMC) stated on the format.

13. Section 5A–7.103–87 is revised as follows:

§ 5A–7.103–87 Availability for inspection and testing and delivery.

(a) *Contracts for stock items, other than exigencies.* At the discretion of the contracting officer, the clause set forth in this section may be used in definite quantity or requirements type solicitations when lengthy testing is involved and the time required for completion of these tests cannot be predetermined.

(1) The language of this clause may be modified to meet the objective of preventing unwanted accelerated shipments. Any clause modification should be furnished to the Policy and Procedures Division (FPP) for possible codification in the Clause Manual.

(2) The clause may be modified to provide for availability for delivery. "Delivery" shall then be substituted for "shipment", and "notice of award" for "order".

(3) All three blanks in paragraph (b) of the clause should generally be filled in with the number that is in the first blank in paragraph (a).

AVAILABILITY FOR INSPECTION AND TESTING AND SHIPMENT

(a) The Government requires that the supplies listed herein be made available for inspection and testing within ____ calendar days after receipt of order, and be shipped within ____ calendar days after notice of approval and release by the appropriate Government inspection representative.

(b) If notice of approval and release by the appropriate Government inspection representative is received prior to ____ calendar days after receipt of order, receipt of such notice shall be deemed to be on the ____ calendar day after receipt of order, unless specifically authorized in writing by the Contracting Officer. Earlier shipments may result in rejection of the supplies at the delivery point at the time of arrival.

(c) If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of order specified above, or fails to make shipment within the number of days specified above, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(i) of the General Provisions, Standard Form 32.

(b) *Other contracts.* The following clause may be used in definite quantity or requirements type solicitations when lengthy testing is involved and the time required for completion of such tests cannot be predetermined, at the discretion of the contracting officer. Paragraph (c) of the clause shall be included therein only when the requirements are small and the proposed award is less than the dollar limitation established for source inspection.

AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY*

(a) The Government requires that supplies listed herein be made available for inspection and testing within _____ days after receipt of (notice of award) (order) specified above, or fails to make (delivery) (shipment) to destination within the number of days after notice of approval and release by the Government inspection representative, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(i) of the General Provisions, Standard Form 32.

(c) In the event the point of inspection is changed to destination, (delivery at) (shipment to) destination is required within _____ days after receipt of (notice of award) (order).

14. Section 5A-7.103-95 is added as follows:

§ 5A-7.103-95 Production and delivery orders.

The following clauses are authorized for use in requirements contracts for stock items with leadtimes of 90 days or more.

(a) When the solicitation contains either a "Time of Shipment" or a "Time for Delivery" clause.

PRODUCTION AND DELIVERY ORDERS

Both production and delivery orders or combined production/delivery orders may be issued under this contract. A production order is a definite quantity commitment by the Government. When a production order is issued, a subsequent delivery order(s) will also be issued and will (1) reference the production order number, (2) be furnished normally 30 days before the shipment due date, and (3) provide shipping and billing instructions for the total quantities specified in the production orders. The shipment (delivery) due date is computed from the date the Contractor receives the production order. Unless otherwise agreed to by the Contractor, production orders shall not exceed a Contractor's monthly supply potential. The maximum order limitation applies to each delivery order, and not to the production order.

NOTE.—If the SFO provides for a "Guaranteed Minimum Quantity" (§ 5A-7.103-80), the following sentence will be added: "Delivery orders will be issued for any unordered 'Guaranteed Minimum Quantity'."

(b) When the solicitation contains an "Availability - for - Inspection - Testing-and-Shipment" clause.

PRODUCTION AND DELIVERY ORDERS

Both production and delivery orders or combined production/delivery orders may be issued under this contract. A production order is a definite quantity commitment by the Government. When a production order is issued, a subsequent delivery order(s) will also be issued and will (1) reference the production order number, (2) be furnished normally 30 days before the availability-for-inspection-and-testing due dates, and (3) provide shipping and billing instructions for the total quantities specified in the production orders. The availability-for-inspection-and-testing due date is computed from the date the Contractor receives the production order. Unless otherwise agreed to by the Contractor, production orders shall not exceed a Contractor's monthly supply potential. The maximum order limitation applies to each delivery order, and not to the production order.

NOTE.—If the SFO provides for a "Guaranteed Minimum Quantity" (§ 5A-7.103-80), the following sentence will be added: "Delivery orders will be issued for any unordered 'Guaranteed Minimum Quantity'."

*Where availability for shipment is to be used, substitute "SHIPMENT" for "DELIVERY".

PART 5A-11—FEDERAL, STATE, AND LOCAL TAXES

The Table of Contents for Part 5A-11 is amended to add the following entry:

Sec.
5A-11.401-71 Federal, State, and local Taxes—Federal Supply Schedules.

Subpart 5A-11.4—Contract Clauses

1. Section 5A-11.401-70 is revised as follows:

§ 5A-11.401-70 Federal, State, and local taxes—small purchases.

The following clause shall be used in consummating small purchases negotiated pursuant to 41 U.S.C. 252(c)(3).

FEDERAL, STATE, AND LOCAL TAXES

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

2. Section 5A-11.401-71 is added as follows:

§ 5A-11.401-71 Federal, State, and local taxes—Federal Supply Schedules.

(a) The following clause shall be used in all multiple award Federal Supply Schedule (including New Item Introductory Schedule) solicitations and resultant schedules which do not involve leasing or rental of tangible personal property.

STATE AND LOCAL TAXES

Notwithstanding the provisions of Clause 27 of GSA Form 1424, GSA Supplemental Provisions, the contract price excludes all State and local taxes levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract. Taxes excluded from the contract price pursuant to the preceding sentence shall be separately stated on the Contractor's invoices and the Government agrees either to pay to the Contractor amounts covering such taxes or to provide evidence necessary to sustain an exemption therefrom.

(b) The following clause shall be used in all multiple award Federal Supply Schedule (including New Item Introductory Schedule) solicitations and resultant schedules which involve leasing or rental of tangible personal property.

STATE AND LOCAL TAXES

(a) Notwithstanding the provisions of Clause 27 of GSA Form 1424, GSA Supplemental Provisions, the contract price excludes all State and local taxes levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract. With the exception of California State and local taxes, including Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax imposed or levied on leases of tangible personal property (see par. (b), below), taxes so excluded from the contract price pursuant to the preceding sentence shall be separately stated on the Contractor's invoices and the Government agrees either to pay to the Contractor amounts covering such taxes or to provide evidence necessary to sustain an exemption therefrom.

(b) (TERMS AND CONDITIONS OF THE FOLLOWING SUBPARAGRAPHS SHALL APPLY ONLY IF SIGNED BY THE OFFEROR BELOW.) Notwithstanding paragraph (a), above, California State and local taxes, including Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax, imposed or levied on leases of tangible personal property shall also be excluded from the contract price and the Government agrees that it will reimburse Contractors for California State and local taxes including Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax, levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract, in accordance with the following terms and conditions:

(1) The Contractor agrees that; in the event the Government is successful in establishing any lesser amount of liability for these California State and local taxes, including the Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax, than that which has been or may be paid to the State of California by the Contractor, the Contractor will refund to the Government the amount by which the taxes paid to the State of California by the Contractor exceeds such lesser liability established by the Government.

(2) The Contractor agrees to make this refund regardless of whether or not the Contractor is able to recover such amount from the State of California on account of such tax payments.

(3) The General Services Administration agrees to instruct Government agencies using the Federal Supply Schedule to reimburse the Contractor for any and all California State and local taxes, including the Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax paid by the contractor on account of leases of tangible personal property during the contract period.

(4) The Contractor agrees to supply the Contracting Officer a quarterly report containing the contract number and the aggregate amount of California State and local taxes, including the Bay Area Rapid Transit Tax and Southern California Rapid Transit Tax, paid to the Contractor by lessees who utilized this contract. The report must be submitted within ten (10) calendar days after the close of each quarter.

SIGNATURE _____
FIRM _____
DATE OF EXECUTION _____

PART 5A-14—INSPECTION AND ACCEPTANCE

Subpart 5A-14.1—Inspection

Section 5A-14.105-1 is revised as follows:

§ 5A-14.105-1 General.

The criteria for designating the place of inspection (source or destination) are as follows:

(a) Source inspection shall be designated on contracts:

(1) For national requirements (including contracts issued under the Im-

proved Federal Supply Schedule Program);

(2) For Federal Supply Schedules selected for source inspection (§ 5A-76.317);

(3) For area buying assignments;

(4) For regional requirements—estimated value $15,000 and over;

(5) For definite quantity over $10,000;

(6) For definite quantity under $10,000 if it is known that the contractor has a quality approved manufacturer agreement or already holds one or more GSA contracts under the administration of a quality assurance specialist (QAS), otherwise inspection will be at destination;

(7) For class 8010 items over $5,000, or under this amount when one of the situations in (6), above, is known;

(8) For the following vehicles:

(i) Special purpose;

(ii) Trucks over 10,000 lbs GVW; and trucks under 10,000 lbs GVW not covered by a Federal Standard; and

(iii) Those shipped outside the 48 contiguous States; and

(9) In other instances where the procuring director determines it would be in the best interest of the Government due to the critical nature of the material and when the quality performance of the supplier is unknown. In these instances, the procuring activity shall notify the appropriate Quality Control Division office that the contract provides for origin inspection and state the reason therefor.

(b) Destination inspection shall be designated on contract:

(1) For subsistence items and wiping rags;

(2) With domestic consignees for:

(i) Standard vehicles;

(ii) Light trucks (10,000 lbs., GVW and under); except those not covered by a Federal Standard; and

(3) With lower dollar value than those listed in (a), above.

(c) The regional Director, Quality Control Division, may request that the appropriate procuring director initiate contractual procedures to change the place of inspection from destination to source (except non-selected Federal Supply Schedules) when the manufacturer has:

(i) A quality approved manufacturer agreement; or

(ii) Other contracts which the QAS is administering.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete §§ 5A-16.950-72, 5A-16.950-102, 5A-16.950-301, 5A-16.950-301A, 5A-16.950-364, 5A-16.950-1081, 5A-16.950-1211, 5A16.950-1212, 5A-16.950-1227, 5A-16.950-1430, 5A-16.950-1430-1, 5A-16.950-1504, 5A-16.950-1797, 5A-16.950-1797(a), 5A-16.950-1797(b), 5A-16.950-1797(c), 5A-16.950-1950B, 5A-16.950-1953, 5A-16.950-2098, and 5A-16.950-3003, and to add the following new entries:

Sec.	
5A-16.901-30-1	Instructions for completing Standard Form 30, Amendment of Solicitation/Modification of Contract.
5A-16.950-1649	GSA Form 1649, Recommendation for Improvement of Federal Supply Schedules.
5A-16.950-2806	GSA Form 2806, List of Supplies and Services.
5A-16.950-2806A	GSA Form 2806A, List of Supplies and Services.
5A-16.950-2880	GSA Form 2880, EEO Award Report (Reference No. —).
5A-16.950-2891	GSA Form 2891, Standard Provisions—Federal Supply Schedules.
5A-16.950-2984	GSA Form 2984, Value Incentive Clause.
5A-16.950-3254	GSA Form 3254, Production Procurement Plan.
5A-16.950-3255	GSA Form 3255, Late Term Contract Status Report.
5A-16.950-3256	GSA Form 3256, Federal Supply Schedule and Nonstock Programs Status Report.

PART 5A-19—TRANSPORTATION

The table of contents for Part 5A-19 is amended to add the following new entries:

Sec.	
5A-19.150	Delivery zones—requirements type contracts.
5A-19.202-50	Restrictions on transportation to military installations.

Subpart 5A-19.1—General

Section 5A-19.150 is added as follows:

§ 5A-19.150 Delivery zones—requirements type contracts.

(a) *Stock and non-stock contracts.* Application of the Automated Delivery Order System (ADO) to orders issued by GSA (including the "Improved Federal Supply Schedule Program") has necessitated the standardization of zones to be specified in requirements contracts for stock and non-stock. When it is determined to request zone prices, these zones shall consist of the following:

Zone	*Geographic area*
1	Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts.
2	New York, New Jersey.
3	Pennsylvania, West Virginia, Virginia, Maryland, Delaware, Washington, D.C.
4	Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida.
5	Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio.
6	Nebraska, Iowa, Kansas, Missouri.
7	New Mexico, Texas, Oklahoma, Arkansas, Louisiana.
8	Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado.
9	California, Nevada, Arizona.
10	Hawaii.
11	Alaska.
12	Puerto Rico, Virgin Islands.
13	Washington, Oregon, Idaho.

If it is determined that fewer than thirteen (13) zones are required, zones in their entirety may be combined together, but in no case shall the geographic area of any zones be subdivided. Contract coverage for zones covering Hawaii, Alaska, Puerto Rico, and the Virgin Islands is optional. Prior approval of the Assistant Commissioner for Procurement shall be obtained if zones covering geographical areas other than those prescribed are required.

(b) *Federal Supply Schedule contracts.* Prior to the issuance of a solicitation, the contracting officer shall review the number of proposed delivery zones and change the number of zones, if appropriate, or revalidate the number of zones if no change appears warranted. The contracting officer shall prepare an appropriate justification for the number of zones used.

Subpart 5A-19.2—Transportation Factors in the Procurement of Personal Property

Section 5A-19.202-50 is added as follows:

§ 5A-19.202-50 Restrictions on transportation to military installations.

(a) There are many delivery restrictions at various military installations, due partially to the curtailment of military services. DoD publications entitled "Terminal Facilities Guide" list the shipping and receiving capabilities at all military installations and are updated as changes occur. Copies of the guides are distributed to the GSA regional Transportation Services Division.

(b) For solicitations specifying direct delivery to military installations, contracting officers shall include a provision specifying any applicable delivery restrictions. The contracting officer shall verify receiving capabilities or restrictions with the appropriate Transportation Services Division before issuing the solicitation.

A new Part 5A-26 is added as follows:

PART 5A-26—CONTRACT MODIFICATIONS

Subpart 5A-26.50—Change Orders

Sec.	
5A-26.5001	Scope of subpart.
5A-26.5002	Change order accounting procedures.
5A-26.5003	Complete and final equitable adjustments.
5A-26.5004	Change order administration procedures.
5A-26.5004-1	Change order documentation.
5A-26.5004-2	Authority to issue change orders.
5A-26.5004-3	Preparation of change order.
5A-26.5004-4	Issuance of urgent change orders.
5A-26.5004-5	Correction or revision.
5A-26.5004-6	Follow-up of contractor proposals.
5A-26.5004-7	Analysis and negotiation of proposals.

Subpart 5A-26.50—Change Orders

§ 5A-26.5001 Scope of subpart.

This subpart sets forth policies and procedures governing the issuance and processing of change orders.

§ 5A–26.5002 Change order accounting procedures.

(a) As a general rule, prior to the issuance of a change order, "forward pricing" should be accomplished whenever feasible. Price negotiation based on forward pricing is preferred over retroactive pricing as means of injecting the elements of risk and efficiency into the negotiated price. Forward pricing means: (1) The price of contract modifications shall be negotiated prior to their execution if this can be done without adversely affecting the interests of the Government. (2) If a significant cost increase could result from a modification but time does not permit negotiation of a firm price for the total contract should be negotiated, if practical. (3) As a minimum, the file should be documented to show the Government's estimated cost for the change.

(b) Where forward pricing is not possible and retroactive pricing is the only alternative, the latter can be effected more accurately if the Government has complete and accurate information disclosing contractor's costs incurred in performing the changes. Recording change order costs is a difficult and complex task with respect to certain aspects of work and cost; hence contractors' accounting systems seldom segregate the costs of performing changed work. Accordingly, before submission of bids or offers, prospective contractors should be advised of the possible need to alter or to improve their accounting procedures to be able to comply with the need for appropriate change order cost segregation. Therefore, the following Change Order Accounting clause and Change Orders—Submission of Claims clause shall be included in all solicitations where it is anticipated that after award of a contract there could be a change or changes whose cost may exceed $100,000, or where it is anticipated that the total contract award exceeds $500,000.

CHANGE ORDER ACCOUNTING

When the Contracting Officer estimates that the cost of a change or series of related changes will exceed $100,000, he may require change order accounting. The Contractor, and his subcontractors, if any, for each such change or series of related changes, shall maintain separate accounts, by job order or other suitable accounting procedure, of all incurred segregable direct costs (less allocable credits) of work, both changed and not changed, allocable to the change. The accounts maintained by the contractor should be controlled by the general books of account.

CHANGE ORDERS—SUBMISSION OF CLAIMS

Any claims for adjustment of contract price or delivery schedule which a Contractor wishes to assert as a result of any change order(s) must be submitted in accordance with the Changes clause (article 2 of Standard Form 32) and the Change Order Accounting clause.

If it is impossible for the Contractor to completely support the assertion of claim with detailed cost or pricing data as required by § 1–3.807–3(a)(2) of the Federal Procurement Regulations, the Contractor shall state the reasons for his inability to do so at the time of first asserting the claim. The Contractor shall then be allowed _____ (*) calendar days from the date of first asserting the claim to submit the missing detailed data, or until Contractor has completed (or manufactured) _____ (**) percent of the items which were changed by the change order(s), at the option of the Contracting Officer.

*Normally 30 calendar days.

**Normally 50 percent or any other number of days or percentages which the contracting officer determines to be reasonable and adequate to protect the Government's interests. The determination shall be documented in the contract file.

(c) It may not be possible to enumerate all categories of costs attributable to a change order because such costs vary according to the particular contract and the contractor's accounting system. Certain categories of costs are less susceptible to accounting segregation than others. Nevertheless, the following categories of costs normally are segregable and accountable as direct costs under the terms of the first clause in (b), above:

(1) Nonrecurring costs; e.g., engineering costs, and costs of obsolete work or reperformed work;

(2) Costs of added distinct work; e.g., new subcontract work, or new prototypes, or new retrofit or backfit kits caused by the change order; and

(3) Costs of recurring work; e.g., labor and material costs.

§ 5A–26.5003 Complete and final equitable adjustments.

Controversies sometimes arise in interpreting what the parties to a contract intended to include within the scope and terms of the equitable adjustment resulting from a change order. To ensure that equitable adjustments are complete, contractors should make every reasonable effort to present to the Government all elements of adjustment arising out of the change order to which the equitable adjustment pertains. The equitable adjustment agreement should contain provisions releasing the Government from any and all liability under the contract for further equitable adjustments relating to the claim.

§ 5A–26.5004 Change order administration procedures.

§ 5A–26.5004–1 Change order documentation.

When change orders are not forward priced (see § 5A–26.5002(b), above) they require two documents: The change order and a supplemental agreement reflecting the resulting equitable adjustment in contract terms. If an equitable adjustment in the contract or delivery terms, or both, can be agreed upon in advance, only a supplemental agreement need be issued.

§ 5A–26.5004–2 Authority to issue change orders.

Change orders shall be issued only by the responsible contracting officer after coordination as appropriate, with assigned counsel, quality control, finance, audit, or other technical personnel.

§ 5A–26.5004–3 Preparation of change order.

All change orders shall be prepared on Standard Form 30, Amedment of Solicitation/Modification of Contract (see § 5A–16.901–30–1). All applicable items on the form be completed. However, the estimated change in contract price shall not be shown on copies of the Standard Form 30 furnished to the contractor when SF 30 is used as a change order document (see § 5A–26.5004–1). Copies of change orders shall be distributed promptly to the same addressees who received the basic contract.

§ 5A–26.5004–4 Issuance of urgent change orders.

Under unusual or urgent circumstances, the contracting officer may order changes by telegraphic message: *Provided*, That:

(a) Copies of the message are furnished promptly to the same addressees who received the basic contract;

(b) Immediate action is taken to confirm the change by issuance of Standard Form 30; and

(c) The message contains substantially the information required by Standard Form 30 (except that the estimated change in price shall not be indicated), including in the body of the message the statement, "Signed by (Name), Contracting Officer." The original copy from which the message is made, shall be manually signed by the indicated contracting officer.

§ 5A–26.5004–5 Correction or revision.

Upon receiving a copy of a change order from the contracting officer, the appropriate regional Quality Control Division shall review it to assure that the provisions are compatible with the status of performance. For example: if the contractor has progressed beyond the effective point specified in the change order, the earliest practical point at which the change order could be made effective should be determined and the contracting officer advised accordingly. Correction, revision, or supersession of a change order shall be made by issuing another change order. The definitizing supplemental agreement shall cite both change orders.

§ 5A–26.5004–6 Follow-up of contractor proposals.

When a change order is not forward priced, equitable adjustments resulting from change orders shall be negotiated in the shortest practicable time. The contracting officer shall establish a suspense system which shall identify outstanding unpriced change orders. The time frames for consummating the equitable price adjustment shall be in accordance with the second clause set forth in § 5A–26.5002 (b).

§ 5A–26.5004–7 Analysis and negotiation of proposals.

Upon receipt of the contractor's proposals, the contracting officer shall evaluate and negotiate any equitable adjustments. Where appropriate, the contract-

ing officer shall ensure that cost or price analysis is conducted in accordance with § 1–3.807–2 and shall consider the contractor's segregable direct costs of the change plus applicable indirect costs. If additional funds as a result of the change are required (see § 5A–1.402–71), the contracting officer shall secure the funds before making any adjustment to the contract.

PART 5A–30—CONTRACT FINANCING

Subpart 5A–30.5—Progress Payments Based on Costs

Sections 5A–30.511–2, 5A–30.551–1, and 5A–30.551–3 (a) and (b) are revised as follows:

§ 5A–30.511–2 Variation in percentages.

Provision for progress payments based on costs at rates in excess of 80 percent of total costs or 85 percent of direct labor and material costs (either or both), as stated in paragraph (a)(1) of the clauses in §§ 1–30.510–1 and 1–30.510–2, or in excess of the respective percentages applicable to contracts with small business concerns (see §§ 1–30.503, 1–30.504–2, and 1–30.504–3), shall be made only with the approval of the appropriate Commissioner or his designee and the Director of Finance, OAD, or the regional Director of Administration for regional contracts in accordance with the standards and procedures set forth in § 1–30.505.

§ 5A–30.551–1 Total costs basis.

When either of the total costs type progress payments clauses set forth in § 1–30.510–1 is used, the maximum payments made (percentage A) may not ordinarily exceed 80 percent of the cumulative total costs allocable to the contract (see § 5A–30.511–2 regarding use of higher percentages). Under these clauses, percentage A is established first, and percentages B, C, and D are always the same as percentage A, except that a lower percentage for percentage C may be established pursuant to § 1–30.512–2. A discussion of these percentages and related computations are set forth in detail in §§ 1–30.511–3 and 1–30.512.

§ 5A–30.551–3 Illustrations.

(a) In (b) and (c) of this § 5A–30.511–3, the following hypothetical contract values are used to illustrate the computation and application of the limiting percentages described in this § 5A–30.511:

(1) Total contract value: $100,000.

(2) Total costs: $90,000.

(3) Costs of direct labor and materials: $63,000.

(4) Value of delivered items at contract prices: $60,000.

(5) Value of undelivered items at contract prices: $40,000.

(6) Value of invoice submitted for payment of delivered items: $60,000.

(7) Percentage A (total costs basis): 80 percent.

(8) Percentage A (direct labor and materials costs basis): 85 percent.

(b) Under a total costs clause, percentage A is 80 percent by hypothesis (see § 5A–30.551–3(a)(7)) and percentages B, C, and D are 80 percent by definition. Accordingly, the dollar values of the factors corresponding to the limiting percentages are as follows:

Factor limited by percentage	Computation	Limit value of factor
A	$90,000×80 %	$72,000
B	$100,000×80 %	80,000
C	$60,000×80 %	48,000
D	$40,000×80 %	32,000

PART 5A–53—CONTRACT ADMINISTRATION

The table of contents for Part 5A–53 is amended to add the following new entries:

Sec.
5A–53.308 Releasing or withholding of audit reports.
5A–53.603 Administrative holds—contractual litigation.

Subpart 5A–53.3—Audit of Contractors' Records

Section 5A–53.308 is added as follows:

§ 5A–53.308 Releasing or withholding of audit reports.

The Freedom of Information Act generally requires the disclosure of Government records subject to certain exceptions. It may be to the benefit or detriment of the Government to release contract audit reports or portions of them depending upon the circumstances. However, because of the complexity of the matter, contracting officers shall consult with both the Office of Audits (ADA) and the Office of General Counsel, Procurement Division (LP), prior to the release or withholding of such information.

Subpart 5A–53.6—Disputes

Section 5A–53.603 is added as follows:

§ 5A–53.603 Administrative holds—contractual litigation.

(a) The administrative holds procedure is an inventory management tool to preclude unsatisfactory supplies from entering the used supply channels by suspending the issue of all or a portion of the Master Stock Items Record (MSIR) on-hand quantity. This section deals with the situation where replacement of the defective material by the contractor is delayed by litigation.

(b) Contracting officers responsible for the administration of a contract against which unsatisfactory materials were shipped, and replacement is delayed by litigation, shall take the following actions:

(1) Notify the responsible inventory management activity as soon as litigation is initiated, requesting that the unsatisfactory material be placed in administrative hold status (Document Identifier 153), pending resolution of the litigation.

(2) Promptly furnish a copy of the notice to the appropriate Quality Control Division.

(3) Promptly notify the responsible inventory management activity in writing, and furnish a copy to the appropriate Quality Control Division when the litigation is resolved.

(c) If the contractor is not obligated to replace or otherwise make restitution for the defective material, the responsible inventory management activity shall proceed in accordance with chap. 4–101 of FSS P 2900.3, HB, Supply Operations.

PART 5A–72—PROCUREMENT OF STOCK ITEMS

The table of contents for Part 5A–72 is revised as follows:

Sec.
5A–72.000 Scope of part.

Subpart 5A–72.1—General Policies for Stock Replenishment

5A–72.101 General.
5A–72.102 Uniform firm stock price policy requirements.
5A–72.103 Types of contracts.
5A–72.103–1 Uses of contracts.
5A–72.104 Production procurement plans.
5A–72.105 Early warning of potential or real item shortages.
5A–72.106 Accelerated deliveries and public exigency procurements.
5A–72.107 Control of quantity ordering.
5A–72.107–1 Contracts with guaranteed minimums.
5A–72.107–2 Contracts with progressive awards.
5A–72.108 Issuance of delivery orders.
5A–72.109 Intensive management of critical stock items.
5A–72.110 Preparation and distribution of contractual information for term contracts.

Subpart 5A–72.2—Requirements Contracts for Stock Replenishment

5A–72.201 General.
5A–72.202 Specifications.
5A–72.203 Scope of requirements contract.
5A–72.204 Contract quantities.
5A–72.205 Delivery terms.
5A–72.206 Inspection.
5A–72.207 Time of delivery or shipment.
5A–72.208 Billing and payment.
5A–72.209 Delivery orders received and shipments made.
5A–72.210 Priority to be given orders by contractors.
5A–72.211 Monthly Supply Potential (MSP) and Method of Award clauses.
5A–72.212 Progressive awards.
5A–72.213 Quantity discounts.
5A–72.214 Packing requirements.
5A–72.215 Aggregate awards.
5A–72.216 Maximum order limitation.
5A–72.217 Minimum orders.
5A–72.218 Quantity pack requirements.
5A–72.219 Warehouse addresses and consignment instructions.
5A–72.220 Production orders.

Subpart 5A–72.3—Special Instructions Regarding Selected Commodities

5A–72.301 Procurement of office furniture.
5A–72.302 Procurement of Forest Service items.
5A–72.303 Consolidated purchase of canned fruits, vegetables, and juices.
5A–72.304 USDA Certificates of Quality and Condition—subsistence purchases.

Sec.
5A–72.305 USDA inspection of roasted whole bean coffee.
5A–72.306 Procurements of paints, dopes, varnishes, and related products. (FSC Group 80)

Subpart 5A–72.4—Direct Delivery of Stock Items

5A–72.401 General.
5A–72.402 Direct delivery of stock items under consolidated stock replenishment program.
5A–72.403 Direct delivery of stock items not under term contract.
5A–72.404 Payment for deliveries.
5A–72.405 Inspection.

Subpart 5A–72.5—Procurement of Items for Self-Service Stores

5A–72.501 General.
5A–72.501–1 Purchasing authority of store managers.
5A–72.502 Replenishment of standard stock catalog items, except buildings maintenance supplies.
5A–72.503 Replenishment of other self-service store items.
5A–72.504 Items not stocked by the self-service stores.
5A–72.505 Buildings maintenance supplies.
5A–72.506 Buyers assigned to self-service stores.
5A–72.507 Recording of self-service store purchases.

Subpart 5A–72.6—Standby-Stock Procurement Policies and Procedures

5A–72.601 General.
5A–72.602 Application of Standby-Stock clause.
5A–72.603 Estimated requirements in solicitations.
5A–72.604 Initial standby-stock quantities.
5A–72.605 Standby-stock and other items in the same solicitation.
5A–72.606 Contracting period.
5A–72.607 Placing delivery orders under standby-stock contracts.
5A–72.608 Action by quality assurance specialist.
5A–72.609 Guarantee to purchase replacement quantities—notice of discontinuance.

Part 5A–72 is revised as follows:

§ 5A–72.000 Scope of part.

This part establishes special policies and procedures for the performance of procurement functions in connection with replenishment of stock items.

Subpart 5A–72.1—General Policies for Stock Replenishment

§ 5A–72.101 General.

(a) Timely and efficient service to customer agencies at prices substantially lower than they can be obtained on individual procurements is essential to the success of the GSA stock program. To provide this service, merchandise meeting specification requirements at reasonable prices must be available when needed.

(b) In day-to-day contacts with suppliers, contracting officers should explain the stock program, its purpose, and how it works. Suppliers will then be able to understand why reliable sources of supply are necessary, and the interest thus created should be incentive for them to participate.

§ 5A–72.102 Uniform firm stock price policy requirements.

(a) Firm issue prices are established for stock items on the basis of average cost prices being paid and are published in GSA Supply Catalog.

(b) Contracting officers should continuously review the trade levels of previous successful bidders to determine whether it would be possible to encourage bidding by prime manufacturers rather than dealers or other similar sources.

(c) Acceptance of bids offering merchandise in other than prescribed standard stores issue units will have an adverse effect upon the firm price program. A unit of issue is the count, measurement, container, or form of an item of supply as it is issued out of a supply distribution facility, and is based upon customer needs. When market conditions make it impossible to purchase in standard units, or merchandise in nonstandard units is offered at substantially lower prices, the unit of issue/purchase should be reviewed and changed where appropriate.

§ 5A–72.103 Types of contracts.

(a) Requirements contracts (see § 1–3.409(b)).

(1) Under a requirements contract, the Government agrees to purchase all of its requirements, within certain minimum and maximum order limitations and except for exigencies, from the successful bidder. This consideration is generally sufficient to induce suppliers to quote favorable prices (comparable to those accorded their most favored customers) provided suppliers are made fully aware of the potential sales through the stock program.

(2) Due to the fluctuating demands of our customer agencies, actual requirements even within a reasonable percentage cannot generally be determined in advance. Requirements contracts provide desirable flexibility in ordering quantities actually needed.

(3) Annual requirements contracts are preferred. However, other requirements contracts may be selected in the following order of preference:

(i) Requirements contracts of shorter duration when necessary to obtain an adequate competitive base;

(ii) Requirements contracts with the Guaranteed Minimum Quantity clause (§ 5A–72.103–80); and

(iii) Requirements contracts with price adjustment provisions.

(b) Definite quantity contracts.

(1) This type of contract shall be used when requirements contracts cannot be awarded at reasonable prices to responsible sources of supply.

(2) However, contracting officers should be alert to the possible price advantages that may be obtained through use of definite quantity contracts and shall, on high volume items, periodically test the market by scheduling definite quantity, definite delivery purchases. The contracting officer shall closely coordinate with, and notify in advance, the inventory manager so necessary adjustments may be made in stock levels under expiring contracts to conform to the delivery schedule proposed under the new contract.

(3) There are two types of definite quantity contracts: scheduled definite quantity buys and demand buys.

§ 5A–72.103–1 Uses of contracts.

Contracting officers shall choose the type of contract that meets FSS needs. Some factors to be considered are: ordering flexibility, maintenance of inventory levels, combining quantities for manufacturing runs, combining quantities for carload shipments, staffing and procurement workload, guaranteeing a contract source of supply, funds impact, industry pricing, sales and distribution practices, market conditions, firmness of estimated requirements, seasonal production, seasonal demand, transportation costs, labor surplus areas, and small business participation. Consistent with established procedures, representatives of industry should be consulted to the extent necessary and feasible.

§ 5A–72.104 Production procurement plans.

(a) Annual production plans shall be prepared on GSA Form 3254, Production Procurement Plan, for all indefinite quantity contracting, as well as planned definite quantity contracting for stock replenishment. The plans shall cover procurement actions that will begin during the period October 1 through September 30, and must be distributed in accordance with (e), below, no later than July 1 of each year. Revised plans must be prepared and distributed whenever a contract period is changed, the method of purchase changes resulting in the addition or deletion of national stock numbers (NSN's), or the contracting assignment is transferred from one organizational element to another.

(b) These plans will be used to monitor timely production of contracts and also to provide for the timely availability of technical support in the form of requirements forecasts and specifications and/or purchase descriptions.

(c) Determinations concerning the amount of time allowed for each procurement action, in Block 15 of the plans, must be made with due regard to past experience (when appropriate) as well as to other pertinent factors such as: Line item volume, number of potential bidders, technical complexities, and special provisions (such as preproduction samples). However, the plans should allocate time for the performance of procurement actions only, and not for the performance of technical support activities, on the basis that such activities must be completed before the date shown in Block 15(a), "Assign case to buyer."

(d) The plans shall include the applicable case file number in Block 2. All pertinent NSN's and specifications must be shown in Block 14, Miscellaneous; and if additional space is needed, the reverse side of the plan or an attachment may be used. Alternatively, copies of previous

solicitations may be used for this purpose. In cases where a procurement action in Block 15 does not apply, "Not Applicable" or "N/A" should be shown in lieu of a date. The date shown in Block 15, Award Documents Distributed, must be at least 1 month earlier than the start date of the contract period.

(e) Distribution of the plans shall include one copy to each of the following offices:

(1) The Planning and Assignments Division (FPX).

(2) The Standards Control and Support Division (copy from commodity center for planning purposes).

(3) The inventory management activity (responsible for the item(s) involved).

(f) Status reports must be submitted by the contracting office on GSA Form 3255, Late Term Contract Status Report, with respect to any actual or anticipated delays pertinent to the following critical procurement actions: Block 15(a) "Assign case to buyer", Block 15(e) "SFO Issuance mailing", the last portion of Block 15(h) "Completed awards", and Block 15(l) "Award documents distributed." A status report must be submitted to FPX, with a copy to the inventory manager, within 5 working days of the date when an actual or anticipated delay becomes known, with brief explanations regarding the reason(s) for the delay, the corrective action being taken, and a revised date for accomplishment of the procurement action involved. When a lapse in contract coverage is anticipated, the contracting officer must notify the inventory manager so appropriate action can be initiated. Once a report is submitted, further reporting is not required unless the circumstances have changed, such as when progress has been made in overcoming the problem or when additional delays are encountered. Status reports shall be furnished with respect to all of the NSN's involved until such time as all the NSN's have been awarded or accounted for. In this regard, the "Commodity Column" in the form should indicate whether the information reported applies to all or only some of the NSN's involved.

§ 5A–72.105 Early warning of potential or real item shortages.

(a) Inventory management activities shall prepare and maintain a list of critical stock items (LCSI) for intensive monitoring and guidance.

(b) Procuring activities becoming aware of potential or real item shortages through contacts with the contractor with regard to items on contract, or potential contractors with regard to items which may not be contractually available, or through other sources such as newspaper articles, trade journals, etc., shall compile this information in a written report. The report shall be entitled "potential or Real Item Shortages" and shall be furnished promptly to the Planning and Assignments Division (FPX).

(c) FPX is responsible for receipt, collection, and analysis of the potential/real item shortages reports. FPX shall also determine what information shall be publicized, and to whom it will be furnished. FPX will maintain a log of incoming reports to develop information concerning these shortages and to ensure timely processing.

(1) *Processing information.* (i) FPX shall develop data concerning verified due-ins from all sources, estimates of contract-lapse times, and new contract lead-times.

(ii) FPX shall coordinate with inventory management activities for a stock position screen and report by NSN for stock items matching the list of critical stock items.

(iii) FPX shall coordinate preventive or remedial efforts with operating elements if the item is not on the LCSI and current information indicates the item can be procured.

(2) *Analysis.* (i) If FPX determines that an actual shortage is unlikely, further analysis shall be discontinued, and the originator so advised.

(ii) When circumstances indicate a need for further review, the file shall be placed in suspense.

(iii) When FPX determines that a real item shortage exists, FPX will, within 4 working days, furnish the following information to the Office of Customer Service and Support (FF), inventory management activities, and all procuring activities:

(A) The national stock number and noun description;

(B) Information on the availability of a substitute item, including noun description and national stock number;

(C) The extent and time frame of the expected shortages; and

(D) Recommendations concerning the possibility for a reduction in use of the shortage item or for the use of a substitute.

(iv) When FPX determines that a potential shortage may occur, they will furnish to FF the noun description and national stock number of the shortage item, and any information that may assist users to conserve use of the item or to obtain a substitute, including noun description and national stock number of the substitute.

§ 5A–72.106 Accelerated deliveries and public exigency purchases.

(a) When a valid order has been placed against an existing term contract but stock on hand has been depleted, accelerated delivery may be requested by the inventory manager. GSA Form 2887, Request for Accelerated Delivery, was designed for this purpose. However, a list containing the NSN, delivery order number, contract number, noun name, and quantity, may also be used.

(1) In arranging for accelerated delivery, the contracting officer shall first determine if the contractor is willing and able to accelerate delivery. Every effort should be directed towards obtaining accelerated delivery at no cost to the Government. When accelerated delivery is agreed upon, the contracting officer shall prepare a contract modification, Standard Form 30, establishing the changes in delivery time. Copies of the amendment are to be distributed as any other amendment.

(2) If delivery cannot be accelerated under an existing order, the contracting officer shall advise the inventory manager and request a new requisition for processing under the exigency procedures described in paragraph (d), below.

(b) When a stock item is in a backorder status and a delivery order is to be placed for the requirement, and accelerated delivery is requested, the contracting officer shall advise the existing term contractor (where applicable) and determine if the contractor is willing and able to make accelerated delivery to meet the Government's requirements.

(1) If accelerated delivery can be satisfactorily arranged with the existing contractor, use the same procedures as set forth in paragraph (a)(1), above.

(2) If accelerated delivery cannot be arranged with the existing contractor, the contracting officer shall (i) inform him that the contracting office will attempt to obtain delivery on an exigency basis from an alternate source, and (ii) proceed immediately with negotiations under public exigency authority in accordance with the normal procedures and paragraph (d), below.

(c) Stock items may be procured under public exigency procedures when stocks on hand and due in are not sufficient to meet an agency's bona fide exigency needs, or when the inventory manager has determined that stocks have been depleted by unusually heavy demands so that a substantial volume of backorders will result unless stock replenishment is made within less time than the minimum time required for formal advertising.

(1) The national procuring activity has the responsibility to effect all procurements for its assigned commodities. Emergency requirements being processed by the national procuring activity shall not be assigned to a support region procuring activity without the concurrence of that activity.

(2) When there is no contract coverage, a support region may make special purchases of backordered items if (i) the region's procurement assignments are not adversely affected, and (ii) the national contracting officer and inventory manager concur. Items assigned to the National Tools Center may not be purchased by a support region.

(d) Within 5 working days after receipt of an exigency requisition, a negotiated procurement action shall be initiated (by telephone if need be, and confirmed in writing). Where procurement action is not initiated within 5 working days, the inventory manager must be advised by the procurement division when procurement action will be initiated and the anticipated award date. Each procurement division shall maintain records and controls necessary to ensure prompt action. The branch chief shall review the status of open exigency procurements weekly and the procurement division director shall make re-

views to ensure that timely action is taken. Exigency procurements must have high management visibility and be pursued vigorously until there is contract coverage and shipments are made.

(e) Prompt dissemination of contract information or advice of no contract coverage is essential. GSA Form 2887, Request for Accelerated Delivery, may be used to facilitate communications. Replies to incoming GSA Forms 2887 from the IMC shall be made as soon as feasible but not later than 7 working days. Replies may be handwritten. Instructions for use and distribution of GSA Form 2887 are included on the form.

§ 5A–72.107 Control of quantity ordering.

§ 5A–72.107–1 Contracts with guaranteed minimums.

(a) Upon advice from a contractor, within 45 to 30 calendar days prior to the expiration date of the contract, of open balances as provided in the Guaranteed Minimum Quantity clause (see § 5A–7.103–80), the contracting officer shall promptly notify the inventory manager and request that requirements be reviewed to determine whether orders for unordered balances should be placed immediately.

(1) Ten days after the expiration of the contract, the contracting officer shall request the inventory manager to verify any unordered guaranteed minimum quantities, and the inventory manager shall also verify the production status or inventory position of the contractor on the unordered balance items.

(2) Upon verification that unordered balances exist, request the inventory manager to make allocation for the unordered quantities.

(i) If the inventory manager determines that allocation of unordered quantities will seriously unbalance the inventory or is objectionable for other significant reasons, the inventory manager will notify the procuring activity accordingly.

(ii) Upon receipt of the notification, the procuring activity shall give consideration to negotiating with the contractor a no-cost cancellation or an acceptable reduction of the quantities involved, or initiating contract termination for convenience (pursuant to the provisions of GSA Form 1424, GSA Supplemental provisions) subject to concurrence by assigned counsel and approval by the director of the respective procuring activity.

(b) If no timely notification regarding any open balances is received from the contractor within the time specified in the Guaranteed Minimum Quantity clause (see § 5A–72.103–80), but the contract administration file indicated that unordered balances may exist, the following actions shall be taken:

(1) Considering market trends and in coordination with the inventory manager, the procuring activity shall determine whether it is to the best advantage of the Government to order the unordered balance, or any part thereof. Such determinations shall be approved by the director of the procuring activity or his designee.

(2) If it is decided not to order any unordered guaranteed minimum quantity balances, the case file shall be so documented and the responsible Quality Control Division shall be advised accordingly.

(3) If it is decided to order the unordered balance or any part thereof, the procedure in (a)(1), above, shall be followed. The procuring activity shall advise the contractor and responsible regional Quality Control Division of the decision.

(c) When guaranteed minimum quantities are specified, subsequent solicitations for offers must include the following provision as an exception to the Scope of Contract clause.

GOVERNMENT'S OBLIGATION UNDER PREVIOUS CONTRACT

This contract does not cover any supply requirement which the Government is obligated to order under a previous requirements contract in which the Government guaranteed to purchase a minimum requirement.

§ 5A–72.107–2 Contracts with progressive awards.

(a) The conrtacting officer shall send to the inventory manager a written notice to ensure that orders in excess of the maximum quantity allocations for the contractor who had offered the lowest price are issued to the next successively higher contractor. See § 5A–72.212, Progressive awards.

(b) The written notice shall, for each item or group of items, list the contractors in the order that orders should be placed with them, and list the monthly limitation for each contractor.

§ 5A–72.108 Issuance of delivery orders.

(a) The inventory manager shall place delivery orders against requirements contracts. GSA Form 3014, Order for Supplies or Services, shall be used for this purpose unless the delivery is made direct to the requisitioning activity. In such cases, GSA Form 2875, GSA Stock Item Direct Delivery Order, shall be used.

(b) When GSA Form 1584 reflects a zone delivered price as well as the f.o.b. shipping point price, the inventory manager shall determine which is the more economical: The delivered price, or the f.o.b. shipping point price plus cost of transportation. Delivery orders shall be placed on the basis of the lowest cost to the Government. If the f.o.b. shipping point price plus cost of transportation is the more economical, Government bills of lading shall be issued.

(c) To the extent provided in applicable contracts, ordering activities may, by including appropriate statements in delivery orders, exercise certain options, such as requiring export packing, specifying delivery f.o.b. destination or f.o.b. shipping point, utilizing Government bills of lading, and specifying the mode of transportation and routing to be used. When the Government exercises its option to specify delivery to a destination or consignee not named in a delivered price contract, the delivery order shall bear the following notice:

Notice to Contractor: The Government is exercising its option to divert delivery. When submitting your invoice for payment, make adjustments thereon for the difference in transportation charges in accordance with the clause titled "Changes—Delivery Options and Adjustments in Transportation Costs" of GSA Form 1424, Supplemental Provisions (Supply Contract).

(d) The inventory manager shall not issue orders which call for deliveries extending beyond the contract expiration date plus contract delivery time. (See § 5A–7.103–91, Deliveries beyond the contractual period—placing of orders.)

§ 5A–72.109 Intensive management of critical stock items.

See GSA Order FSS 4872.1, par. 7–b, Intensive management of critical stock items, for Office of Procurement responsibilities.

§ 5A–72.110 Preparation and distribution of contractual information for term contracts.

(a) To provide an abstract of pertinent contractual information required for loading the ADO system and for other purposes, contracting officers shall prepare GSA Form 1584, Contract Summary, in accordance with instructions set forth in § 5A–16.950–1584–1. GSA Form 1584A, Contract Summary—Continuation, shall be used as necessary. The completed form shall be duplicated and distributed as soon as possible after award in accordance with instructions in § 5A–76.201.

(b) If regular distribution of GSA Form 1584, Contract Summary, cannot be made by the date shown in Block 15 (1) of GSA Form 3254, Production Procurement Plan, or within 5 working days after award of the contract, whichever is later, advance copies of the contract summary shall be distributed to the National Maintenance Center, ADO, (10FPN), the regional Quality Control Division(s) responsible for performing source inspection, and the Systems and Assignments Division (FPX). Copies may be carbon or xerox copies of the original draft. In addition, see § 5A–72.104 (f) for instructions for submitting late term contract status reports. If the information contained in the regular distribution copies differs from that shown in the advance copies, regular distribution copies forwarded to recipients of advance copies shall be clearly marked "CORRECTED COPY", and specific changes shall be highlighted by annotating the summary.

Subpart 5A–72.2—Requirements Contracts for Stock Replenishment

§ 5A–72.201 General.

This subpart provides instructions for developing requirements contracts for replenishing stock items. (For standby-stock provisions, see Subpart 5A–72.6.) Not all the features described can be

used in all cases and in some cases it will be necessary to modify them or adopt other features which will ensure continuing availability of stock items from contract sources at reasonable prices.

§ 5A–72.202 Specifications.

(a) To facilitate procurement and inspection, and to maintain uniformity and established quality standards of items, only authorized item purchase descriptions (GSA Form 419A, IPD Data Transmittal Sheet) shall be used in describing items to be purchased. Authorized descriptions are issued by the Office of Standards and Quality Control or by the technical support branches in the appropriate commodity centers.

(b) Procuring activities shall keep up-to-date item purchase descriptions (IPD's) for national stock number (NSN's) assigned to them. See § 5A–76.401 for national procurement responsibilities.

(c) To assure that item purchase descriptions are available and/or current, contracting officers shall submit two copies of completed GSA Form 2978, Request for Item Purchase Descriptions, to the appropriate division in the Office of Standards and Quality Control or commodity center 30 calendar days before the "To Buyer" date on the annual production plan.

(d) Directors of procuring activities may authorize exceptions from the requirement for use of item purchase descriptions when the purchase value is $5,000 or less, provided the product to be purchased is known to meet the applicable specifications or, if not known, are good quality off-the-shelf products.

(e) When preparing solicitations, the contracting officer may modify item purchase descriptions specifying Level B packaging and/or packing requirements used for direct delivery procurements. The consignee shall be contacted to determine if Level C commercial packaging is adequate. If direct deliveries are made under existing contracts, the packaging and packing requirements specified in the contract, need not be modified.

§ 5A–72.203 Scope of requirements contracts.

Each contract shall contain a clause setting forth the scope of the contract as provided in § 5A–7.103–82.

§ 5A–72.204 Contract quantities.

(a) The inventory manager shall provide an estimate of the total requirements for the contract period, the contract requirements forecast, transmitted by GSA Form 3258, Transmittal of Stock Replenishment Requirements. The forecasts are machine-generated for each national stock number, based on contract information obtained from the production plan.

(1) This estimate shall be stated in the solicitation. Separate estimates for each item to be awarded separately and an estimate for each destination within a group to be awarded should be shown.

(2) Under requirements contracts, a specified minimum quantity of the total requirements which the Government agrees to purchase during the contract period may be indicated (see § 5A–7.103–80), and maximum and minimum order quantities shall be stated in accordance with §§ 1–3.409(b)(1), 5A–72.216, and 5A–72.217.

(b) Where feasible, the inventory manager will notify procuring activities of any significant changes (in excess of plus or minus 25%) in estimated future requirements for selected high demand items. This advice will be furnished after 3 months and 6 months from the beginning date of a 1-year contract.

(c) Upon notification by the inventory manager in accordance with (b), above, procuring activities will advise the respective contractor of the change, referring to the provisions of the Scope of Contract clauses (§ 5A–7.103–82). The notice is furnished exclusively for the contractor's information and is not to be considered a modification or a change in the basic obligations imposed upon either party to the contract. In addition, two copies of the notice to the contractor shall be furnished to the appropriate regional Quality Control Divisions.

§ 5A–72.205 Delivery terms.

See Part 5A–19 for transportation factors and delivery terms.

§ 5A–72.206 Inspection.

(a) The general policy is to provide for inspection at origin except where such inspection is not feasible or economical. This is particularly important in contracts for commodities regularly ordered for direct delivery to agencies. The criteria for designating the place of inspection is covered in § 5A–14.105. The provision contained in § 5A–2.201–78 shall be inserted in each solicitation where there may be origin inspection. Contracts which require the contractor to have specified quantities ready for shipment on specific dates must also provide that the applicable regional Quality Control Division be given adequate notification to perform inspection.

(b) Contract documents for Quality Control Division. Distribution of contractual documents is covered in § 5A–76.201. Copies of contractual documents shall be forwarded directly to the Quality Control Division which will perform quality control and field contract administration. Each procurement activity shall ensure that necessary copies of contractual documents and delivery orders are distributed to the appropriate regional Quality Control Division simultaneously with their release to suppliers. Where origin inspection is specified, it is essential that copies of documents furnished to quality control activities show the location from which the material will be shipped.

§ 5A–72.207 Time of delivery or shipment.

(a) Time of delivery provisions for stock items are prescribed in § 5A–1.316–5.

(b) The required delivery time will depend on the circumstances. When the solicitation provides that contractors shall maintain stock on hand ready for shipment upon receipt of orders, the delivery time to be specified by the Government should be considerably less than when the contractor would be expected to commence production on receipt of delivery orders.

(c) Where f.o.b. destination prices are requested, solicitations shall provide for bidders to state the number of days they will require for making delivery after receipt of delivery orders.

(d) It is common industry practice for manufacturers to close their plants or operate on a reduced production schedule for definite periods of time to allow employees to take vacations or perform major maintenance work. Ordering offices should be furnished advance information concerning plant shutdowns since they could adversely affect the availability of stock items.

(1) Bidders will not be requested to furnish plant shutdown schedules in the solicitations. Contracting officers will obtain this information from the successful bidder, and to the extent practicable, publish the schedule in GSA Form 1584, Contract Summary. Distribution of the Contract Summary should not be delayed in order to obtain the information.

(2) The fact that a contractor has furnished a plant shutdown schedule subsequent to award of contract will not relieve him of his contract obligations during such periods. However, ordering offices should exercise good judgment in their dealings with the contractor, and wherever possible, place delivery orders which allow sufficient delivery time so as not to conflict unnecessarily with the scheduled plant shutdown.

(e) To facilitate accurate delivery forecasting by inventory managers, wide fluctuations in leadtimes for stock deliveries must be minimized. Leadtimes which change from normal to early receipts adversely impact investment. Leadtimes which change from normal to long adversely impact FSS's responsibility to provide timely supply support. Therefore, the contracting officer shall:

(1) Establish contract delivery dates which are as short, consistent, and realistic as possible. Carefully review delivery schedules to ensure that they are compatible with existing market conditions at the time of solicitation issuance since market conditions are continually changing.

(2) Notify the responsible inventory manager by telephone of any changes to contract delivery dates resulting from the termination or amendment of a contract.

(3) Coordinate revised delivery dates with the responsible inventory manager when a contractor requests a change in the delivery schedule.

(4) Notify immediately the responsible inventory manger of any anticipated deviations from ordered delivery dates resulting from unexpected problems.

(5) Coordinate with vendor significant changes in delivery requirements in re-

sponse to inventory management needs not provided for in the contract.

(f) When industry raises substantive and well-documented objections to the 15 calendar day delivery time frame set forth in § 5A–1.316–5, the contracting officer shall:

(1) Determine the minimum time frame that is practical.

(2) Request the approval of the Assistant Commissioner for Procurement (FP) to deviate from the 15 calendar day time frame. The documented reasons for the deviation should be included with the request. Subsequent FP approvals for the same item(s) are not required unless the contracting officer requires a longer time frame than previously approved. The longer the delivery time, the more reasonable is a request for expansion of the 15 calendar day time frame. For example, the 15 calendar day time frame may be practical for a 90 calendar day delivery time, but may be impractical for a 180 calendar day delivery time.

(3) Notify all appropriate inventory management and quality control activities and the ADO National Maintenance Center in Region 10 of any approved deviations.

§ 5A–72.208 Billing and payment.

Contracts shall provide information as to how payment will be made. When inspection, acceptance, and receipt are accomplished at point of origin and shipments are made on Government bills of lading, contracts should provide that payment will be made upon receipt of invoices accompanied by a copy of each bill of lading manually signed by the carrier evidencing delivery to the carrier of the items covered by the invoices, and upon receipt of evidence of inspection and acceptance of such items by the Government.

§ 5A–72.209 Delivery orders received and shipments made.

(a) The clause in § 5A–7.103–52 may be included in all new requirements contract solicitations which provide for source inspection. It may also be included in definite quantity solicitations providing for source inspection when the contracting officer determines that close monitoring of contractor's receipt and shipment of orders is necessary to ensure contractor performance. The quality assurance specialist shall furnish the contractor an adequate supply of GSA Form 1678.

(b) The quality assurance specialist responsible for servicing the contractor's facility shall monitor the receipt, verify the correctness of GSA Form 1678, and if necessary, forward a corrected copy of the report to the contracting officer within 5 working days. The contracting officer's copy shall be retained in the contract performance file. If this copy is not received by the 20th of the month, the Regional Director, Quality Control Division, should be contacted to determine its status.

§ 5A–72.210 Priority to be given orders by contractors.

(a) Contracts shall provide that contractors shall fill delivery orders in the same sequence in which they are received, except:

(1) Purchase orders carrying a "DO" rating certified in accordance with Defense Materials System Reg. 1 must be given precedence over unrated orders whenever necessary to meet required delivery dates specified in the rated order.

(2) As may otherwise be directed by the contracting officer.

(b) The urgency of particular orders may justify the contracting officer directing the filling of such orders on a priority basis but no such action may displace a "DO" rated order with an unrated order beyond the delivery date specified in such rated order.

§ 5A–72.211 Monthly Supply Potential (MSP) and Method of Award clauses.

(a) The Monthly Supply Potential (MSP) clause and Method of Award clause (see §§ 5A–7.103–54 and 5A–7.103–55) shall be included in all solicitations for requirements contracts for stock items, except where (1) another authorized clause is used to limit the contractor's obligation to deliver (e.g., standby-stock clause), or (2) the director of the procurement activity authorizes an exception (in which case the file shall be documented accordingly). The clauses should be used where the estimated requirements are substantial and it is anticipated that difficulties may be encountered because of inadequate production capacities of some offerors. Quantities refused by contractors as exceeding the MSP of a term contract shall be submitted by the inventory manager to the director of the procuring activity for purchase action.

(b) The MSP clause sets a maximum limit on the quantity the contractor is obligated to deliver under requirements contracts in those cases where the estimated requirements are expected to exceed the production capability of some prospective bidders (§ 1–3.409(b)). The use of the MSP clause also gives the Government an opportunity to make the fullest use of the low bidder's production capacity.

(c) The Monthly Supply Potential clause in § 5A–7.103–54 shall be included in the solicitation.

(d) The Method of Award clause in § 5A–7.103–55 shall be used when the MSP clause is included in the solicitation.

§ 5A–72.212 Progressive awards.

(a) When it is expected that total requirements may exceed the quantity which any one supplier is willing or capable to allocate monthly toward such total requirements, the solicitation may provide for progressive awards, subject to the following limitations:

(1) Progressive awards should be avoided if the total requirements can be broken into smaller quantities by zoning them for separate delivery destinations within the continental United States or by providing for separate awards on an item-by-item basis even though like items are involved which would otherwise lend themselves to award in the aggregate.

(2) The progressive awards method should also be used only after the contracting officer has explored and found that the more preferable monthly supply potential (MSP) method is not feasible (see § 5A–72.211). The progressive awards clause (see § 5A–7.103–53) shall not be used when the MSP method is used.

(b) When progressive awards are found to be the acceptable procurement method in accordance with (a), above, the contracting officer shall:

(1) Provide in the solicitation that offerors are permitted to indicate monthly quantity limitations for the items for which they can accept orders;

(2) Determine whether certain groups of items would involve the use of the same production facilities and, if so, request offerors to provide one monthly allocation for the whole group which may be applied to any line or combination of line items. Where knowledge of production techniques are insufficient to permit grouping by the contracting officer, offerors should be requested to group items on their own and to offer monthly allocations for each group;

(3) Advise offerors when monthly quantity limitations are indicated in accordance within (b)(1), above, that if progressive awards are made, orders in excess of these allocations may not be accepted;

(4) Reject offers which are considered unreasonably high (see § 1–2.404–2(c));

(5) Make a sufficient number of awards to ensure supply availability;

(6) Establish controls to ensure that orders in excess of the maximum monthly quantity allocations for the contractor who had offered the lowest price are issued to the next successively higher contractor. (See § 5A–72.107–2.);

(7) Advise successful offerors in the award that progressive awards have been made, when applicable; and

(8) Include in solicitations a clause similar to that contained in § 5A–7.103–53. The clause is only a sample and a guide, subject to any necessary modifications to fit the particular situation.

§ 5A–72.213 Quantity discounts.

When it is advantageous to do so, provisions shall be made for bidders to quote progressive quantity discounts on orders for relatively large quantities. This feature should be given serious consideration when the industry involved normally uses quantity discounts in the pricing structure and there is a relatively wide spread between the minimum and maximum order limitations.

§ 5A–72.214 Pack requirements.

(a) *Standard pack items.* (1) Standard pack items are identified by an "X" in block 4 of the March 1968 edition of GSA Form 419, Stock Item Purchase Description, or by the following notation on the face of the September 1954 edition of the form:

STANDARD PACK ITEM. Include standard pack clause in purchases for stock.

(2) Solicitations covering standard pack items shall include the clause in § 5A–7.103–75(a).

(b) *Nonstandard pack items.* (1) Solicitations for stock items for which a standard pack has not been established shall include the clause in § 5A–7.103–75(b).

(2) In exceptional circumstances, the weight limitation specified in (a)(2) of the clause in § 5A–7.103–75(b) may be increased to 100 pounds. However, the increase shall be fully justified and the case file documented accordingly.

(c) *Export packing.* On items for which an appreciable amount of export demand may be expected, bidders may also be requested to quote prices delivered to specified ports, including packing. Solicitations must indicate consideration to be given this item in the evaluation of bids.

§ 5A–72.215 Aggregate awards.

For instructions regarding grouping items for aggregate award, weighting of items, and the pricelist method of making aggregate awards, see §§ 5A–2.201–53 and 5A–2.201–54.

§ 5A–72.216 Maximum order limitations.

(a) Except as provided in (b), below, a maximum order limitation clause, similar to those prescribed in § 5A–73.205–5(e) shall be included in all requirements contracts. (See also § 1–3.409 (b)(1) and (c)(1).) The criteria set forth in § 5A–73.205–5 shall be followed in setting the amount of the limitation.

(b) This clause may be omitted from the contract if a significant advantage to the Government will result from its omission. The advantage must be significant enough to outweigh possible loss of competition through failure to bid on the part of suppliers who do not wish to risk the acceptance of unusually large orders during the contract term and to outweigh possible advantage to the Government of separately advertising for abnormally large requirements. If the clause is omitted the contract file shall be documented to show the basis for the decision.

(c) Inventory managers shall submit their requirements in excess of the maximum order limitation to the appropriate procuring activity for purchase action.

(d) When a maximum order limitation is included in solicitation for stock items, the Consolidation of Requirements provision set forth in § 5A–73.205–5(e) shall not be included.

§ 5A–72.217 Minimum orders.

When bidders are reluctant to accept small orders and will increase prices to cover additional costs for handling such orders, the minimum order provision in § 5A–7.103–56 shall be included in solicitations.

§ 5A–72.218 Quantity pack requirements.

Where a quantity pack requirement has been established for an item, the requirement should be clearly set forth in solicitations, term contract summaries (where applicable), and delivery and purchase orders.

(a) *Solicitations.* Quantity pack requirements shall be identified in solicitations substantially as shown in the following examples.

(1) When there is an intermediate container, the identification would be "Packed 6 units per package, 4 packages per intermediate container, 8 intermediate containers per shipping container (total 192 units per shipping container)."

(2) When there is no intermediate container, the identification would be "Packed 12 units per package, 32 packages per shipping container (total 384 units per shipping container)."

(3) When no unit package or intermediate container is required, the identification would be "Packed 12 units per shipping container."

(4) In those cases where the unit container is also the shipping container, identification of quantity pack is not necessary.

(b) *Contract summaries.* The GSA Form 1584, Contract Summary, includes columns for showing quantity pack requirements. Instructions on the form are self-explanatory.

(c) *Delivery orders.* For the sake of brevity and to simplify the preparation of delivery orders, the quantity pack requirements shall be shown on the orders by means of a three-segment symbol, each segment separated by a slanting directional line (e.g., 6/4/8). The first segment would indicate the number of units per package, the second, the number of packages per intermediate container (IC), and the third, the number of units, packages, or IC's, per shipping container. Identification of quantity pack is not necessary in those cases where the unit container is also the shipping container.

(1) The following illustrate the method of identifying quantity pack requirements on delivery orders:

(i) "Pack 6/4/8" to identify pack fully described as "packed 6 units per package, 4 packages per intermediate container, 8 intermediate containers per shipping container."

(ii) "Pack 12/0/32" to identify pack fully described as "packed 12 units per package, 32 packages per shipping container."

(iii) "Pack 0/0/12" to identify pack fully described as "packed 12 units per shipping container."

(2) Normally, quantity pack requirements should be inserted at the end of the item description. Where the same quantity pack requirement applies to two or more items on an order, a single statement identifying the items to which the requirement applies may be used; for example, "Pack above items 6/4/8."

(d) *Purchase orders.* On purchase orders, i.e., orders placed as a result of informal quotations, the quantity pack requirement shall be described in the same manner as provided in (a), above, except that the data may be condensed by the use of understandable abbreviations in a manner similar to the following:

Pack 6 (*) per pkg, 4 pkgs per intermed contnr, 8 intermed contnrs per ship contnr.

(e) Solicitations covering stock items for which quantity pack requirements have not been established shall include a request (but not a requirement) for bidders to state the quantity pack they are offering. The quantity pack information received in response to a solicitation containing such a request may not be considered a factor in determining award. However, when award is made, the quantity pack offered by the successful bidder shall become a contract requirement and shall be shown on resulting orders (and on the contract summary, if one is prepared) as indicated above.

(f) Where a quantity pack requirement for an item has not been established, the buying activity shall, where appropriate, establish quantity pack requirements for the unit package, intermediate package, and shipping container (as applicable). Such requirements should be determined on the basis of the Government's needs, the quantity packs furnished on previous procurements, and the quantity pack information received in response to solicitations pursuant to (e), above. This quantity pack information, as well as the national stock number and quantity established for the unit package, intermediate package, and shipping container, as applicable, shall be forwarded to the Packaging Branch (FMFP) for its use in establishing a standard pack. Paints and related items in FSC 8010 and subsistence items in Group 89 are exempt from the requirements of this and the preceding paragraph because of industry standardization of packaging requirements for the commodities concerned.

(g) Regional buying activities may continue to use quantity pack requirements which they establish until such time as a standard pack quantity is developed by the Packaging Branch.

§ 5A–72.219 Warehouse addresses and consignment instructions.

(a) Each Regional Supply Distribution Division shall notify each other regional office and the Office of Procurement of any anticipated change in its warehouse address or consignment instructions, together with the effective date of the change. Prior to forwarding such notification, the Regional Transportation Services Division shall be consulted.

(b) Where requirements are expected to result in deliveries to more than one region, the procurement activity shall

---

*Insert appropriate unit, e.g., EA, PR, DOZ, COILS, ROLLS, BALLS, BOXES, CANS, etc.

incorporate in the solicitation by reference the latest edition of GSA Form 1126, Consignment Information-GSA Supply Distribution Facilities.

(c) Regional offices submitting consolidated stock replenishment requests containing special consignment instructions or a delivery address different from the regular warehouse address shall indicate to the procuring office, either on the replenishment request or as an attachment thereto, that special handling is required.

§ 5A–72.220 Production orders.

(a) Production orders are a means to (1) control early deliveries, and (2) provide inventory managers more time and flexibility to determine the shipping destination in relation to regional needs. When the inventory manager specifies the need to issue production orders, the Production Order clause (§ 5A–7.103–95) is authorized for use in requirements contracts where leadtimes are 90 days or more.

(b) For commodities with less than 90 days leadtime, the Production and Delivery Order clause may be used if deemed appropriate by the national inventory manager and the contracting officer.

Subpart 5A–72.3—Special Instructions Regarding Selected Commodities

§ 5A–72.301 Procurement of office furniture.

(a) *Types of contracts.* The National Furniture Center is responsible for contracting for stock items of office furniture. The contracting shall be performed in accordance with Subpart 5A–72.2 and the special instructions in this section. Generally, the contracts shall cover 12-month periods and shall provide for the following, if practical and economical:

(1) Monthly allocation or production by the supplier.

(2) Inspection at origin.

(3) Quantity discounts.

(4) Minimum order quantities (carload or truckload, if practicable).

(b) *Basis of awards.* (1) When zone (regional) delivered prices are requested, bid evaluation shall be based on the cost to the Government delivered to each zone by item or sub-item if specified. F.o.b. shipping point prices shall be requested for subsequent inclusion in GSA Form 1584, Contract Summary, if such prices are reasonable.

(2) When f.o.b. shipping point prices only are requested, bids shall be evaluated based on the total cost to the Government.

(i) By item, or sub-item if specified;

(ii) Carload and/or less than carload, predicated on minimum and maximum order quantities; and

(iii) Bid prices plus cost of transportation, and other applicable costs, if any, from shipping point to each delivery point as specified in the invitation for bids.

(c) *Allocations.* See § 5A–72.107–2 for procedures when progressive awards have been made.

§ 5A–72.302 Procurement of Forest Service items.

(a) *Specifications.* All Forest Service, U.S. Department of Agriculture, fire control material, equipment, supplies, etc., must meet the requirements of specifications furnished by the Chief, Forest Service. Questions arising in other GSA regions pertaining to the technical aspect of Forest Service specifications will be referred to GSA Region 8 and they will ordinarily be resolved between GSA Region 8 and the Forest Service, Division of Fire Control, Washington office. The Division of Fire Control will also be responsible for developing Forest Service specifications for new items which will be used exclusively by that service. They will also be responsible for the revision of existing Forest Service specifications as required. Federal and interim Federal specifications shall be used to the maximum extent possible to avoid the necessity of developing new Forest Service specifications. The mandatory use, authorization of deviations for Federal specifications, optional use of interim Federal specifications, and the use of departmental (Forest Service) specifications shall be in accordance with § 1–1.305. (See § 5A–1.305–70(b).) GSA Region 8 will cooperate with the Division of Fire Control in developing or revising Forest Service specifications to the maximum extent possible.

(b) National stock numbers for items listed in the Special Supplement to the GSA Stock Catalog as issued by Federal Supply Service, Denver, shall be obtained in accordance with Part 5A–73.

§ 5A–72.303 Consolidated purchase of canned fruits, vegetables, and juices.

(a) *General.* The program for the consolidated purchase of canned fruits, vegetables, and juices contemplates the centralized procurement of such items for which there are requirements for supplies in sufficient quantity that they may be advantageously provided on a centralized basis. The centralized procurement of GSA requirements has been assigned to the Veterans Administration under the terms of the Non-Perishable Subsistence Assignment Principles agreed to by the Administrator of General Services and the Administrator of Veterans Affairs. (See exhibit in § 5A–76.305.)

(b) *Policy.* The Director, Supply Service, Veterans Administration, will maintain control of operations under this program, including consolidation of requirements, development of suitable contracts, and arrangements for shipments with requiring GSA regions. However, the Office of Procurement shall continue its overall management of the program.

(c) *Procedure.*—(1) *Notice of annual time schedule.* About February 1 of each year the Marketing Division for Subsistence, VA Marketing Center, P.O. Box 76, Hines, Illinois 60141, will notify all GSA regions of the time schedule for submission of requirements under the program. The schedule will also include a list of commodities (peaches, tomatoes, asparagus, etc.), and the tentative bid opening date for each commodity.

(2) *Submission of requirements.* Requirements for each item, regardless of the quantity, identified by national stock number and noun name shall be sent in sufficient time to be received not later than the due date shown on the time schedule to:

Chief, Marketing Division for Subsistence, VA Marketing Center, P.O. Box 76, Hines, Illinois 60141.

The VA shall arrange for deliveries to GSA supply distribution facilities or such other points as GSA may designate within 3 months from the tentative bid opening date. In exceptional cases when it is necessary that the delivery schedule extend beyond the 3 month period or when a delivery is required by a specific date within the 3 month period to ensure stock of an item, the Marketing Division for Subsistence shall be so notified at the time of submission. Also, all interim requirements for the commodities listed shall be submitted to the Marketing Division for Subsistence for procurement action, except that emergency requirements may be procured by local purchase by the GSA regional office having the requirement, under public exigency authority in the circumstances described in § 5A–72.106.

(3) *Consolidation of requirement.* The Marketing Division for Subsistence will consolidate the requirement from GSA regions and VA facilities in such a manner as to obtain best prices and lowest delivered costs commensurate with delivery requirements.

(4) *Payments of vendors by VA.* VA will effect payment to the vendor regardless of whether ultimate delivery is to VA or GSA facilities, or other point designated by GSA, and will effect payment to carriers for delivery to such destinations. VA will furnish the FSS regional buying activity consigned to depots in the region. The inventory manager shall forward one copy of the VA purchase order to the regional Supply Distribution Division and one copy to the appropriate regional Finance Division, and shall establish due-in records in accordance with regular procedures. Two copies of the VA purchase order will be held in suspense. Upon receipt of the receiving report indicating acceptable delivery at the facility, the inventory manager shall certify receipt thereon and forward both suspense copies of the VA purchase order to the Marketing Division for Subsistence. Shipments from VA stock will be covered by VA Form 10–2096. VA will provide Government bills of lading when essential. VA will prepare VA Form 2002, Over, Short, or Damage Report, when appropriate.

(5) *Establishing prices to customer agencies.* VA will establish and keep GSA facilities currently informed of a uniform national selling price for items to be distributed through VA/GSA facilities which will apply to all sales from VA or GSA facilities to all civilian agency subsistence users. In establishing the

price, consideration will be given to the type, class, specie, grade, size of the container, and other considerations set forth in the Assignment Principles (see § 5A–76.305).

(6) *Prices to GSA.* VA will invoice all acceptable deliveries to GSA regardless of source, at the uniform selling price and GSA will reimburse VA for the invoiced amount, adjusted downward to exclude the estimated cost of outbound transportation. VA will process invoices to GSA monthly using Standard Form 1801.

(7) *Contacts with VA contractors.* Deliveries not received by the date scheduled on the order will be reported promptly to the Marketing Division. Any questions, discrepancies, or difficulties will be reported immediately to the Marketing Division for Subsistence. GSA regions shall not contact contractors on VA contracts unless requested to do so by the VA.

(d) *Items excluded.* All items procured by either VA or GSA for exclusive distribution by the procuring agency are excluded from the requirements of this section and will be purchased and priced according to that agency's practices.

§ 5A–72.304 USDA Certificates of Quality and Condition—subsistence purchases.

(a) *General.* The Agriculture Marketing Service, U.S. Department of Agriculture, is authorized by law to inspect, identify, and certify the class, quality, and condition of agricultural products and processed foods made therefrom. Evidence of such action is issuance of USDA Certificates of Quality and Condition. Such Certificates are legal documents and are admissible in all courts of the United States as prima facie evidence of the truth of the statements therein. Contractors shall be required to furnish a USDA Certificate of Quality and Condition on all contracts for the commodity items listed below in the quantities specified (irrespective of whether the total quantity of such commodity item is delivered in one or more deliveries). Such certificates shall be available at the destination point(s) designated in the purchase order at the time of delivery, otherwise the shipment shall be refused.

(1) Fifty cases or more of any one commodity item of canned fruits and vegetables, and canned products thereof, including juices.

(2) Fifteen hundred pounds or more of any one commodity item of dried fruits.

(b) *Applicability.* This section shall apply regardless of whether the shipment is for stores stock replenishment or for direct shipment to another Government agency.

(c) *Procedure.* (1) The contract clause as prescribed in § 5A–7.103–77 shall be contained in the solicitation and contract when purchasing any of the items subject to the policy stated in paragraph (b), above.

(2) Purchase orders against contracts requiring a USDA Certificate with delivery shall contain a statement substantially as follows:

Note to Consignee: This contract provides for inspection by the United States Department of Agriculture and the issuance of a USDA Certificate of Quality and Condition. If such certificate is not received with the delivery, the shipment shall be refused and the GSA office issuing the order notified.

Consignee shall verify that (1) the can or container codes of a representative number of cases are as described in the Certificate of Quality and Condition, (2) the certificate contains proper reference to grade and other requirements of the applicable specifications, and (3) each case in the shipment bears the same USDA stamp mark as appears on the Certificate of Quality and Condition, or that the shipment is covered by a Certificate of Loading.

(3) The following statement shall be placed on Government bills of lading covering shipments on which a USDA Certificate is required:

United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

§ 5A–72.305 USDA inspection of roasted whole bean coffee.

(a) *General.* Contractors shall be required to furnish, at their expense, a USDA Certificate of Quality and Condition for each procurement of 10,000 pounds or more of roasted whole bean coffee (see § 5A–72.304).

(b) *Required clause.* See § 5A–7.103–78 for the clause to be inserted in any solicitation for the procurement of coffee where a quantity of at least 10,000 pounds of coffee is involved.

(c) *Purchase order provision.* The following language shall be inserted in any purchase order where procurement of at least 10,000 pounds of coffee is involved.

Note to Consignee: This contract provides for inspection by the United States Department of Agriculture and the issuance of a USDA Certificate of Quality and Condition. If such certificate is not received with the delivery, the shipment shall be refused and the GSA office issuing the order notified.

Consignee shall verify that (1) the bags are as described in the Cerificate of Quality and Condition, (2) the Certificate contains proper reference to grade and other requirements of the applicable specifications, and (3) each bag is sealed or closed with a USDA seal or that the shipment is covered by a Certificate of Loading.

(d) *Government bills of lading provision.* The following language shall be inserted in Government bills of lading issued under contracts where procurement of at least 10,000 pounds of coffee is involved:

United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

§ 5A–72.306 Procurement of paints, dopes, varnishes, and related products. (FSC Group 80)

This section prescribes special clauses and guidelines applicable to the procurement of paints, dopes, varnishes, and related products (FSC Group 80 items).

(a) General policies on paint contract period. Contracts for paints may be made for either a 6-month or a 12-month period. The contract file must be documented to explain why the contract period selected was considered more advantageous to the Government, competition (including small business participation), fluctuations in the price of ingredients, cost of packaging, transportation, expected purchase volume, and other factors considered. Paint manufacturers are often subject to wide fluctuations in the cost of ingredients used in the production of paint. Because of this they tend to build in a price buffer as a safety device to absorb price increases when the contract period is long.

(b) Availability for Inspection and Testing and Delivery clause. When the clause prescribed in § 5A–7.103–87 is used, 60 days and 30 days normally will be specified in the first paragraph thereof. However, any appropriate number of days may be specified.

Subpart 5A–72.4—Direct Delivery of Stock Items

§ 5A–72.401 General.

(a) This subpart contains procedures for the placement of orders for stock items for direct delivery from vendor to consignee.

(b) Direct delivery of stock items is the shipping of required items directly from a vendor to a consignee by-passing a GSA supply distribution facility to which these items would normally be shipped for storage and reshipment. The direct delivery method is usually used when requirements for stock items are large, when this method will satisfy customer agency requirements for time of delivery, and when this method can be expected to produce savings to the Government through a more economical and expedient shipping method. The direct delivery method should not be used when excessive stock inventories exist with no prospect of reducing them in the near future. For details see FSS P 2900.3, HB, Supply Operations, chap. 9.

§ 5A–72.402 Direct delivery of stock items under consolidated stock replenishment program.

(a) On items under the consolidated stock replenishment program (FPMR 101–25.101–3), the region shall forward the agency requisition, or extract thereof, appropriately identified as a stock item requirement for direct delivery, to the appropriate purchasing activity. The purchasing activity shall forward acknowledgment of receipt of purchase authority to the GSA regional office originally receiving the order, and include a provision in the resultant contract that the delivery order will be placed by that region. The original and one copy of the contract shall be transmitted, by letter, to the region for preparation of GSA Form 2875, GSA Stock Item Direct Delivery Order. See FSS P 2900.3, HB, Supply Operations, chap. 9.

(b) When a region is authorized to make a local direct delivery purchase of a requirement for an item under the consolidated stock replenishment program,

the transaction shall be documented as prescribed in § 5A–72.403 (a) and (b), below.

§ 5A–72.403 Direct delivery of stock items not under term contract or consolidated stock replenishment program.

(a) Generally, it is more difficult to arrange for direct delivery of an item when established sources are not available, due to possible delay in obtaining delivery for the customer. However, if the customer agency is agreeable, direct delivery of large quantities of items not covered by established sources should be made when practical and economical.

(b) Purchases other than under small purchase procedures shall be documented as formal contracts and GSA Form 2875 issued pursuant thereto as delivery orders.

§ 5A–72.404 Payment for deliveries.

§ 5A–72.404–1 F.o.b. shipping point.

(a) On direct deliveries f.o.b. shipping point, payment shall be made upon receipt of the contractor's original invoice accompanied by a copy of the Government bill of lading bearing evidence of delivery of shipment to the carrier and upon receipt of evidence of inspection and acceptance by the Government. Evidence of inspection and acceptance shall be any of the following:

(1) A manually signed copy of GSA Form 308, Notice of Inspection;

(2) A manually signed copy of DD Form 250, Department of Defense Materiel Inspection and Receiving Report; or

(3) When a contractor has been authorized under a quality assurance inspection procedure, a certificate of inspection manually signed by the duly authorized official of the contractor.

(b) The signed copy of the GSA Form 308 or DD Form 250 will be sent by the quality assurance specialist to the paying office indicated on the order. In the case of quality assurance inspection, the certificate of inspection (manually signed) will accompany the contractor's original invoice.

§ 5A–72.404–2 F.o.b. destination.

On direct deliveries, f.o.b. destination, payment will be made upon receipt of Copy 2, Receiving Report Copy of GSA Form 2875, and contractor's invoice.

§ 5A–72.405 Inspection.

Stores direct delivery orders against existing contracts will normally involve source inspection in accordance with the terms of such contracts. However, there will be occasions when stock items not under term contracts will be ordered for direct delivery. In such cases the place of inspection shall be shown on the delivery order.

Subpart 5A–72.6—Standby-Stock Procurement Policies and Procedures

§ 5A–72.601 General.

(a) This subpart sets forth policies and procedures for the procurement of stock items by the standby-stock method. This method of procurement is designed to ensure prompt supply availability for stock items where agencies' needs are expected to fluctuate widely. This method of procurement also tends to reduce warehousing and transportation costs.

(b) Under a contract containing standby-stock provisions, a contractor is required to produce a stipulated quantity of standby stock in advance of the ordering period. For instance, under a regular 12 month term contract, the ordering period is 12 months. If standby-stock provisions are added providing for a 2 month get-ready period, the total contract period becomes 14 months. This distinction must be clearly understood in order to properly adjust contract production plans when converting to standby-stock type contracts. Each standby-stock contract should be awarded sufficiently early so that the get-ready period under the contract and the contract period of the expiring contract will end at the same time.

(c) Under a contract containing standby-stock provisions, the Government guarantees to purchase the initial quantity of standby stock and, with certain exceptions, any additional quantities which the contractor produces to replenish quantities shipped from standby stock. The contractor is required to replenish quantities shipped from standby stock as necessary to ensure that all orders received in any calendar month which are within the estimated monthly requirement are shipped within the prescribed delivery time. Non-compliance with the prescribed delivery requirement shall be considered as a contract delinquency and may be subject to the provisions of paragraph (a)(1) of Article 11, Standard Form 32, General Provisions.

§ 5A–72.602 Application of Standby-Stock clause.

The clause in § 5A–7.103–57(a) is prescribed for requirements contracts for stock items when its use is practicable and will result in significant advantages to the Government. Factors to be considered in making this determination may include the type of the commodity, volume of the requirements, storage costs, fluctuations in demand, industry practices, and market conditions. Procuring activities may not make substantive changes in the clause or use a different standby-stock clause without prior approval of the Assistant Commissioner for Procurement. Each request for approval shall be accompanied by a draft of the solicitation containing the proposed clause and shall state the reasons for modifying the clause.

§ 5A–72.603 Estimated requirements in solicitations.

For each stock item, the estimated requirements for the ordering period and the estimated monthly requirement shall be shown in the schedule of the solicitation. Where the solicitation calls for f.o.b. destination prices, the estimated total requirements and the estimated monthly requirements shall be shown separately for each destination. When two or more destinations are grouped for award in the aggregate, the estimated monthly requirements for all destinations in the group shall be shown as one figure, and the requirements for each destination shall be shown in order to give the bidder a better idea of the transportation costs.

§ 5A–72.604 Initial standby-stock quantities.

The initial standby-stock quantities to be required shall be sufficient to fill the estimated requirements for a period equal to the number of days specified in paragraph (a) of the clause plus 30 days. (See § 5A–7.103–57 for Standby-Stock clause.) However, the initial quantity should not be less than twice or more than four times the estimated monthly requirements. The additional 30 day supply is a margin of safety to provide greater assurance of continuity of supply; however, the contracting officer may reduce or eliminate it when appropriate.

§ 5A–72.605 Standby stock and other items in the same solicitation.

(a) Solicitations which contain the standby-stock provisions shall cover only items for which a standby-stock quantity will be required.

(b) Solicitations which contain standby-stock provisions shall not provide for progressive awards.

§ 5A–72.606 Contracting period.

(a) The contract period of all standby-stock contracts shall consist of a contractor's get-ready period and an ordering period. The length of the contractor's get-ready period is equal to the number of days to be specified in paragraph (a) of the Standby-Stock clause (the time in which the contractor is required to produce the initial quantities and have them inspected). (See § 5A–7.103–57.) The ordering period normally will be the same length of time as the contract period under a non-standby-stock type contract for the commodity involved. If, for example, the contract period of a non-standby-stock type contract for a commodity was 12 months and the number of days specified in paragraph (a) of the Standby-Stock clause is 60 days, the contract period of the standby-stock contract will be 14 months.

(b) The general description to be entered in the schedule portion on page 1 of the solicitation (see § 5A–2.201(b)(1)) shall be as follows:

Requirements contract (with guaranteed purchase quantities) for the period (1), or date of award (whichever is later), through (2), covering stock replenishment requirements during the period (3) through (4), for (include brief general description of the item covered by the solicitation).

NOTE TO CONTRACTING OFFICER.—Insert in blanks (1) through (4), above, the same dates inserted in blanks (1) through (3) and (5), respectively, in the first sentence of the Scope of Contract clause, as provided in § 5A–7.103–57.

§ 5A–72.607 Placing delivery orders under standby-stock contracts.

(a) Ordering activities shall not place any orders under a standby-stock contract prior to the first day of the ordering period specified in the contract.

(b) No order shall be placed under a standby-stock contract after the expiration date of the specified ordering period, except as authorized under the provision of paragraph (c)(2) of the Standby-Stock clause (§ 5A–7.103–57).

(c) Delivery orders placed under standby-stock contracts shall specify "Ship as per contract" in the Delivery Time block in the order form except that computer prepared orders will print delivery time as programed.

§ 5A–72.608 Action by quality assurance specialist.

(a) When determined by the Director, Quality Control Division, the quality assurance specialist (QAS) will visit the contractor's or supplier's plant to ensure a mutual understanding of all terms and conditions of a contract, prior to the start of production. At that time, all contract terms will be reviewed with particular emphasis on standby-stock requirements, and the contractor or supplier will be notified of the requirement to maintain records at the inspection point in accordance with the Standby-Stock clause in the contract.

(b) Any deficiencies noted on the first or any subsequent visits shall be reported promptly to the contracting officer on GSA Form 1679, Contract Administration. Typical examples of deficiencies are:

(1) Production cycle longer than time allowed to have initial standby stock available;

(2) Failure to ship within the allowed number of days after receipt of purchase order;

(3) Not replenishing standby stock in accordance with contract terms;

(4) Not scheduling material into production on time;

(5) Not having replenishment stock on hand at time of inspection visits;

(6) Not adhering to shelf-life requirements in the contract, specifically, lack of assurance relative to any remaining shelf-life of items; and

(7) Not maintaining detailed records as required.

(c) The QAS will make necessary arrangements for his return visit for purposes of inspecting material. If the material is not ready at the time arranged for inspection, the contractor will be charged for lost time in accordance with terms of the contract.

(d) The QAS will ensure that pre-inspected stock will be held in a set-aside area and properly identified as inspected stock. All containers of material offered by the contractor shall be stamped to indicate that they have been inspected. At the time of inspection, the QAS will use GSA Form 308, Notice of Inspection, to authorize the placing of material into standby stock. After signing the form, the QAS will instruct the supplier to distribute copies to the contracting officer, the regional Quality Control Division, and the QAS, with the original to the contractor. If material is rejected, the contracting officer will be notified by a copy of GSA Form 308. If rejection of the lot will preclude timely delivery on orders received, the QAS will notify the contracting officer of the rejection on GSA Form 1679, and include his recommendations as to appropriate action.

(e) When the contract period has expired and the contractor has on hand or in process quantities of standby stock for which the contractor has not received orders, the QAS will notify the contracting officer on GSA Form 1679, of such quantities, by item, indicating with respect to each item the extent to which the Government is obligated to purchase. (See paragraph (c) of the Standby-Stock clause in § 5A–7.103–57.)

(f) The QAS will instruct the contractor to document each shipment from standby stock by certifying the material as coming from authorized standby stock on one of the following forms:

(1) DD Form 250—when shipment is to a military installation, distributed in accordance with "Contractor Instructions on the Preparation and Distribution of DD Form 250, Material Inspection and Receiving Report."

(2) GSA Form 308—when shipment is to other than a military installation, distributed in accordance with "Contractor Instructions on the Preparation and Distribution of GSA Form 308, Notice of Inspection."

§ 5A–72.609 Guarantee to purchase replacement quantities—notice of discontinuance.

(a) The inventory manager will advise the contracting officer whenever actual requirements indicate a sustained decreased demand pattern so that the contracting officer may notify the contractor, pursuant to (c) of the Standby-Stock clause, that orders received by the contractor in subsequent months shall not fall within the guarantee provided in that paragraph.

(b) Monthly demand forecasts should be carefully checked to determine that they are valid and reflect the buyer's best estimate of anticipated future demand.

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents is revised as follows:

Sec.

5A–73.000 Scope of part.

Subpart 5A–73.1—General

5A–73.100 Scope of subpart.
5A–73.101 General.
5A–73.102 Coordination requirements.
5A–73.103 Criteria for establishing/continuing a schedule.
5A–73.104 Selecting items for schedules.
5A–73.104–1 Selection criteria.
5A–73.104–2 Retention criteria.
5A–73.105 Timely development of schedules.
5A–73.105–1 Workload distribution.
5A–73.105–2 Production plans.
5A–73.105–3 Status report.
5A–73.106 Service contracts.

Subpart 5A–73.2—Preparation and Issuance of Solicitations

5A–73.200 Scope of subpart.
5A–73.201 General.
5A–73.202 Solicitation provisions.
5A–73.203 Contract period.
5A–73.204 Assignment of stock numbers.
5A–73.205 Scope of Contract and related clauses.
5A–73.205–1 Scope of Contract clause.
5A–73.205–2 Non-mandatory use of schedules.
5A–73.205–3 Urgent Requirements clause.
5A–73.205–4 Small requirements.
5A–73.205–5 Maximum order limitation.
5A–73.205–6 Requirements in excess of Maximum Order Limitation clause.
5A–73.205–7 Special Requirements clause.
5A–73.206 Price escalation clauses.
5A–73.207 Quantity discounts.
5A–73.208 Basis of award.
5A–73.208–1 Progressive awards.
5A–73.208–2 Aggregate awards.
5A–73.208–3 Multiple awards.
5A–73.209 Delivery provisions.
5A–73.210 Sales volume determination.
5A–73.210–1 Contractor's report of orders received.
5A–73.210–2 Estimated requirements.
5A–73.211 Special packing.
5A–73.212 Inspection.
5A–73.213 Blanket purchase arrangements.
5A–73.214 Contractor's payment address.
5A–73.215 Dissemination of information by contractor.
5A–73.216 Procurement of items using jewel bearings.
5A–73.217 Negotiated multiple award Federal Supply Schedules.
5A–73.217–1 Time for acceptance of offers.
5A–73.217–2 Multiple Awards clauses.
5A–73.217–3 Basis for Price Negotiation clause.
5A–73.217–4 Catalogs and pricelist clauses.
5A–73.217–5 Price Reductions clause.
5A–73.217–6 Additions, deletions, or reductions in prices of Federal Supply Schedule contract items.
5A–73.217–7 Preference for Small Business Concerns and Labor Surplus Area Concerns clause.
5A–73.217–8 Foreign Products clause.
5A–73.217–9 Renewal of Contracts clause.
5A–73.217–10 Cancellation clause.
5A–73.217–11 Rental, maintenance, and/or repair parts.
5A–73.217–12 Brand name information.

Subpart 5A–73.3—Evaluation of Offers and Award of Contracts

5A–73.301 General.
5A–73.302 Notification of contract award.
5A–73.303 Notification of schedule awards.
5A–73.304 Distribution of contract documents.
5A–73.305 Multiple award schedules.
5A–73.305–1 Criteria for catalogs/pricelists.
5A–73.305–2 Timely awards.

Subpart 5A–73.4—Composition of Federal Supply Schedules

5A–73.400 Scope of subpart.
5A–73.401 Composition of schedules.
5A–73.402 Schedule cover page.
5A–73.403 Table of contents.
5A–73.404 Schedule provisions and ordering instructions.

Sec.
5A–73.404–1 General provisions.
5A–73.404–2 Special provisions.
5A–73.404–3 Ordering instructions.
5A–73.405 List of supplies or services.
5A–73.405–1 Forms.
5A–73.405–2 Index.
5A–73.405–3 Listing of prices.
5A–73.405–4 Listing removed and nonawarded items.
5A–73.406 List of contractors.
5A–73.407 Cross-reference index.
5A–73.408 Index of contents.

Subpart 5A–73.5—Administration of Federal Supply Schedules/Contracts

5A–73.500 Scope of subpart.
5A–73.501 Distribution of Federal Supply Schedules and related catalogs/pricelists.
5A–73.502 Review of contractor's catalogs/pricelists.
5A–73.503 Amending Federal Supply Schedule contracts.
5A–73.504 Changes to Federal Supply Schedules.
5A–73.505 Performance and default.
5A–73.505–1 Processing agency complaints regarding car rental schedule.
5A–73.505–2 Processing contractor's complaints concerning nonpayment of invoices.
5A–73.506 Requests for waivers.
5A–73.507 Contracts with renewal provisions.
5A–73.507–1 Factors to be considered prior to renewal.
5A–73.507–2 Notice of intent to renew.
5A–73.507–3 Notice of intent not to renew a New Item Introductory Schedule (NIIS) contract.
5A–73.507–4 Processing of contracts being renewed.
5A–73.508 Processing of requirements in excess, or below, Maximum Order Limitations (MOL).
5A–73.509 Administration of Price Reductions clause.

The text of Part 5A–73 is revised as follows:

§ 5A–72.000 Scope of part.

This part prescribes policies and procedures having special application to the Federal Supply Schedule program (including nonstock term contracts for direct use by agencies in placing orders with contractor). Other policies and procedures relating to contracts in general, as set forth in the Federal Procurement Regulations and elsewhere in this Chapter 5A, shall also be observed.

Subpart 5A–73.1—General

§ 5A–73.100 Scope of subpart.

This subpart sets forth instructions pertaining to the establishment and management of Federal Supply Schedules.

§ 5A–73.101 General.

The requirements-type contract, as defined in FPR 1–3.409(b), is the usual method of contracting used under the Federal Supply Schedule Program. GSA regulations governing the use of Federal Supply Schedule contracts by executive agencies are set forth in FPMR 101–26.4. Each Federal Supply Schedule sets forth specific requirements as to mandatory or non-mandatory use and minimum and maximum order limitations. (NOTE: The minimum and maximum order limitations for multiple award schedules appear in the contractor's pricelist.) Federal Supply Schedule procurement assignments are set forth in Subpart 5A–76.4.

§ 5A–73.102 Coordination requirements.

(a) The entire Federal Supply Schedule Program is continuously monitored by the Federal Supply Schedule Management Division (FPS). Prior written coordination with FPS is required for:

(1) Establishment of new schedules.

(2) Discontinuance of existing schedules.

(3) Changes (i.e., additions, deletions, or description revisions) to special item numbers or NSNs, and changes to the scope of agency or geographic coverage of an existing schedule.

(b) Coordination shall be accomplished by use of GSA Form 1649, Recommendation for Improvement of Federal Supply Schedules (illustrated in § 5A–16.950–1649). This form should be submitted to FPS, in duplicate, well in advance of solicitation preparation. The GSA–DoD agreement provides 90 days for obtaining concurrences. A similar leadtime is required for civilian agency coordination.

§ 5A–73.103 Criteria for establishing/continuing a schedule.

The annual business volume expected from a single Federal Supply Schedule should normally exceed $10,000, if regional in scope, or $50,000, if national in scope, to justify the establishment or continuation of a schedule.

§ 5A–73.104 Selecting items for schedules.

§ 5A–73.104–1 Selection criteria.

The criteria for purchasing items under the Federal Supply Schedule method of contracting is set forth in § 5A–1.7106. Procurement activities shall continually review new and improved items for inclusion in the Federal Supply Schedule Program (see Subpart 5A–1.54 regarding new item processing).

§ 5A–73.104–2 Retention criteria.

(a) Normally an item should not be retained in future Federal Supply Schedules when it can be expected, based on past experience or on any other information, that purchases of the item will be less than $2,000 per year. This policy does not apply to service contracts and the following types of items:

(1) A part or accessory for a basic item;

(2) A component of a unit assembly;

(3) An item needed to fill out a range of colors, sizes, or other characteristics;

(4) A military support item;

(5) A related service item; or

(6) An item that is determined economically advantageous to retain even though the expected demand is less than $2,000 per year and where a justification is included in the case file explaining the reasons.

(b) In addition to removing an item from a schedule because expected demand is less than $2,000 per year, an item also may be removed because:

(1) Manufacture is discontinued;

(2) The item is obsolete;

(3) The item is transferred to another schedule;

(4) The item is to be provided through another method of supply;

(5) The item or similar item is available from stock; or

(6) The item should not be procured for other reasons (e.g., unsafe, special license required, etc.).

(c) When an item is proposed for deletion from a schedule, the procuring activity shall provide FPS with the same information as required by § 5A–73.405–4 (b), so that prior coordination with user agencies, including DoD, may be accomplished. For action required when deleting NSN items see § 5A–73.204.

§ 5A–73.105 Timely development of schedules.

The timely issuance of Federal Supply Schedules is essential to the success of the Federal Supply Schedule Program. Accordingly, Federal Supply Schedules shall be issued to ordering offices a minimum of 2 weeks prior to the expiration date of the current schedule. A special progress review shall be started by the contracting officer 45 days prior to the expiration date of any current schedule. If at this time, or any other time, the schedule issue date is forecast to be less than 2 weeks prior to the expiration date of the current schedule, a notice to ordering offices advising them of the delay shall be distributed immediately in accordance with (a) and (b), below. See also § 5A–73.504 regarding schedule amendments/modifications.

(a) Each notice to ordering offices shall be prepared using the format exhibited in § 5A–76.331 and contain the following minimum information:

(1) That the issuance of the new schedule will be delayed;

(2) The reason(s) for the schedule being late (unless due solely to workload);

(3) The approximate date the new schedule may be expected;

(4) A very brief note of significant changes made in the schedule coverage, scope, or other features and where such changes also relate to delay in issuing the schedule, so state; and

(5) The action that agencies should take to satisfy requirements until the new schedule is received.

(b) The responsible procuring activity shall ensure that one copy of this notice is forwarded to each Customer Service Director at the same time distribution to addresses on the schedule mailing list is accomplished.

(c) When FPS does not provide editorial support, procuring activities shall contact FPS by telephone and provide the information contained in (a) and (b), above.

§ 5A–73.105–1 Workload distribution.

Schedule starting and ending dates shall be spaced throughout the year to

ensure an even procurement workload and distribution process.

§ 5A–73.105–2 Production plans.

(a) Annual production plans shall be prepared on GSA Form 3254, Production Procurement Plan (illustrated in § 5A–16.950–3254), for schedule program contracting. The plans should cover procurement actions that will begin during the period October 1 through September 30, and must be distributed in accordance with (e), below, no later than July 1 of each year. Revised plans must be prepared and distributed whenever a contract period is changed, or the contracting assignment is transferred from one organizational element to another.

(b) These plans will be used to monitor timely production of contracts and to provide for timely availability of technical support in the form of specifications and/or purchase descriptions.

(c) Determinations concerning the amount of time allowed for each procurement action, block 15 of the plans, must be made with due regard to past experience as well as to other pertinent factors such as: line item volume, number of potential bidders, technical complexities, and special requirements (such as preproduction samples). However, the plans should allocate time for the performance of procurement actions only, and not for the performance of technical support activities, on the basis that such activities must be completed before the date shown in block 15(a), "Assign Case to Buyer."

(d) All pertinent specifications must be shown in block 14, "Miscellaneous;" and, if additional space is needed, on the reverse of the plan or an attachment thereto. In cases where a procurement action in block 15 does not apply, the words "Not Applicable" or "N/A" should be shown in lieu of a date. The date shown in block 15(1), "Award documents distributed," must be at least 2 weeks earlier than the start date of the contract period.

(e) Distribution of the plan shall include one copy to each of the following offices:

(1) Federal Supply Schedule Management Division (FPS).

(2) Standards Control and Support Division (FMH). (Copy from commodity centers is required for planning purposes.)

§ 5A–73.105–3 Status report.

Status reports must be submitted to FPS by the procuring activity on GSA Form 3256, Federal Supply Schedule and Nonstock Programs Status Report (illustrated in § 5A–16.950–3256), for any actual or anticipated delays in meeting any planned date in the production plan, within 5 workdays of the date when an actual or anticipated delay becomes known. The status report shall include a brief explanation regarding the reason(s) for the delay, the corrective action being taken, and a revised date for accomplishment of the procurement action involved. Once a report is submitted, further reporting is not required unless the circumstances have changed, such as when progress has been made in overcoming the problem or when additional delays are encountered. When FPS provides editorial support, status reports are not required once the award information is supplied to FPS.

§ 5A–73.106 Service contracts.

Service contracts developed for use by other agencies shall be issued in the regular Federal Supply Schedule format. Term contracts issued by regional offices for the repair, maintenance, reclamation, and rehabilitation of personal property shall be in the format prescribed by the HB, Supply Operations (FSS P 2900.2), chap. 20.

Subpart 5A–73.2—Preparation and Issuance of Solicitations

§ 5A–73.200 Scope of subpart.

This subpart prescribes procedures for the preparation and issuance of Federal Supply Schedule solicitations.

§ 5A–73.201 General.

The assigned contracting officer is responsible for ensuring that Federal Supply Schedule solicitations are complete, comprehensive, and properly organized, taking into consideration the special nature of the items involved, commercial practices, and other relevant factors.

§ 5A–73.202 Solicitation provisions.

In addition to the general and special provisions prescribed in the Federal Procurement Regulations and elsewhere in this GSPR 5A, Federal Supply Schedule solicitations may include additional provisions not prescribed by regulation which apply to the particular commodity or service being procured.

§ 5A–73.203 Contract period.

Federal Supply Schedule contracts normally shall be entered into for 1 year periods. The inclusion of the Renewal of Contracts clause, prescribed in § 5A–73.217–9 for negotiated multiple-award Federal Supply Schedules, does not indicate that the initial contract period or any one subsequent renewal increment may be in excess of 1 year.

§ 5A–73.204 Assignment of stock numbers.

An approved NSN and description shall be obtained when an item is added to a schedule, other than multiple award schedules. GSA Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated in FPMR 101–30.4902–1303), shall be used to obtain or delete NSN's, or to change item descriptions or coding data. Separate requests shall be prepared for each type of action, and for each Federal Supply Classification group; the original and one copy being forwarded to the Logistics Data Management Division (FFL).

§ 5A–73.205 Scope of Contract and related clauses.

§ 5A–73.205–1 Scope of Contract clause.

(a) Each schedule solicitation shall include the following Scope of Contract clause:

SCOPE OF CONTRACT

This solicitation provides for the normal supply requirements of (complete in accordance with (b) and (c), below), and resultant contracts will be used as mandatory sources for the articles or services listed herein. Articles or services will be ordered from time to time in such quantities as may be needed to fill any requirement determined in accordance with currently applicable procurement supply procedures. As it is impossible to determine the precise quantities of different kinds of articles and services described in the solicitation that will be needed during the contract term, each Contractor whose offer is accepted will be obligated to deliver all articles and services of the kinds contracted for that may be ordered during the contract term, except as otherwise provided herein.

(b) The extent of agency and geographic coverage shall be coordinated with FPS in connection with new schedules or changes to existing schedules. Any questions on whether GSA is authorized by law to procure for a particular activity shall be referred to assigned counsel. In the case of multiple award Federal Supply Schedules, geographic coverage should provide for supply support in all of the 48 contiguous States and the District of Columbia (DC). However, offers which do not provide for contract coverage in all of the 48 contiguous States and DC may be accepted if it is determined by the contracting officer that this limited coverage would be significantly advantageous to the Government. The determination to limit the geographic coverage must be approved by the Assistant Commissioner for Procurement (FP). Examples of situations which might warrant limiting contract coverage are: the market testing of innovative products or services; special pricing plans; or, temporary limitations on a supplier's capacity.

(c) The statement set forth below, appropriately filled in, shall be used to complete the first sentence of the clause in (a), above.

All departments and independent establishments, including wholly owned Government corporations, in the executive branch of the Federal Government (specify additional agencies in the legislative or judicial branches, or the Government of the District of Columbia, when appropriate, and state exceptions, if any). (Follow with geographic coverage by inserting phrase in pars. (i) through (v), below, as appropriate).

(i) When Alaska and Hawaii are to be included— * * * for delivery within the 50 States and Washington, DC.

(ii) When Alaska only is to be excluded— * * * for delivery within the 49 States (excludes Alaska) and Washington, DC.

(iii) When Hawaii only is to be excluded— * * * for delivery within the 49 States (excludes Hawaii) and Washington, DC.

(iv) When both Alaska and Hawaii are to be excluded— * * * within the 48 contiguous States and Washington, DC.

(v) When geographic coverage is on a limited use basis— * * * for delivery within the States (list States, including exceptions, if any, to geographic areas within particular States).

(d) The Scope of Contract clause may also be modified to indicate other exemptions from mandatory use (e.g., items mandatory on some agencies and optional on other agencies).

§ 5A–73.205–2 Non-mandatory use of schedules.

The following clause shall be included in each schedule solicitation and resultant schedule to permit use of the schedule by Federal agencies not covered by the Scope of Contract clause and those contractors who have been authorized, pursuant to FPR 1–5.9, to use the schedule:

NON-MANDATORY SCHEDULE USERS

The following activities are authorized to use this contract and resultant schedule on a non-mandatory basis: (i) Federal agencies, in addition to those required by the Scope of Contract clause to use the resultant schedule as the mandatory source of supply (including non-appropriated fund activities as prescribed in FPMR 101–26.000), (ii) Government Contractors authorized in writing by a Federal agency pursuant to 41 CFR 1–5.9, and (iii) mixed ownership Government corporations (as defined in the Government Corporation Control Act). Contractors are encouraged to honor orders from these activities. If the Contractor is unwilling to accept an order, the Contractor shall return it by mailing or delivering it to the ordering office within 7 workdays after receipt. Failure to return an order shall constitute acceptance whereupon all provisions of the contract shall apply to such order. (Note: Questions regarding activities authorized to use this schedule should be directed to the Contracting Officer.)

NOTE TO CONTRACTING OFFICERS: Insert the following sentence at the end of the first paragraph of the above clause in solicitations for security cabinets: The requirement for written authorization pursuant to 41 CFR 1–5.9 does not apply to purchase orders for security cabinets purchased in accordance with the provisions of FPMR 101–26.407–3.

§ 5A–73.205–3 Urgent Requirements clause.

The following Urgent Requirements clause shall be included in each schedule solicitation and resulting schedule (included in GSA Form 2891).

URGENT REQUIREMENTS

Urgent requirements are individual bona fide delivery requirements of ordering activities for supplies or services which call for DELIVERY TIMES WHICH ARE SHORTER THAN THE DELIVERY TIMES SPECIFIED IN THE RESPECTIVE CONTRACTS. When the Contract delivery time is longer than the urgent delivery requirements and the ordering activity determines that time permits, the Contractor shall be requested by leter, telegram, or telephone (confirmed in writing) to state the best delivery time which he can meet. The Contractor shall reply to the inquiry within not more than 3 workdays after receipt and by the same or faster communications media than the one by which he received the inquiry. If the accelerated delivery time is acceptable to the ordering activity, any resultant orders shall be delivered within this shorter delivery time and in accordance with all other terms and conditions of the contract.

§ 5A–73.205–4 Small requirements.

(a) Each schedule solicitation, except those covered by par. (c), below, shall include the Small Requirements clause shown in par. (b), below. This clause limits the Scope of Contract by providing a minimum order limitation. Without such limitation, bidders would tend to increase their bid prices to provide for the additional costs of processing small orders.

(b) The small requirements limitation shall be established by the contracting officer and approved by the procuring director. The following factors must be considered in establishing the limitation: (i) Customary business practice for the commodity; (ii) value of smallest unit; (iii) unit pack; (iv) frequency of orders; and (v) affect of limitation on an ordering agency's ability to use the schedule. The following clause may be modified in solicitations to provide for varying limitations, or a limitation other than dollar amount.

SMALL REQUIREMENTS

(a) The minimum dollar value of orders to be issued under resulting contracts is ---------. Contractors are obligated to accept all orders for delivery to one destination which equal or exceed this amount, subject to any maximum order limitation.

(b) If bidder is willing to accept smaller orders than shown above, he may specify such smaller amount below. If bidder inserts a higher amount than shown above, his bid will be rejected as nonresponsive. The minimum acceptable order against a contract resulting from this solicitation is -------- (bidder to insert). If a smaller amount is inserted, it is mutually agreed that the Contractor will accept small orders as indicated, and this information will be shown in the resultant schedule and applicable catalog/price list.

(c) If bidder does not furnish the information asked for above, the Government may place orders for an amount less than that specified in par. (a), above. Such orders shall be deemed to be accepted by the Contractor and subject to all of the provisions of the contract, unless returned to the ordering office by mail or messenger within 5 workdays after receipt by the Contractor.

NOTE TO CONTRACTING OFFICER: (1) Paragraph (a)—If a quantity limitation is required, the first sentence of this paragraph shall be revised to read: "The minimum order quantity for orders resulting from the solicitation is ---------."

(2) Paragraph (b)—Delete the second sentence of this paragraph from negotiated procurements.

(c) The Small Requirements clause shall not be used in schedule solicitations when (i) the items involved are frequently procured to satisfy low value requirements, or (ii) the commodities are of a type for which vendors customarily accept small orders at no additional cost. Such exemptions shall be approved by the procuring director and recorded in the contract file.

§ 5A–73.205–5 Maximum order limitation.

(a) A maximum order limitation is a dollar amount or unit quantity established for an entire schedule or a category of items therein, above which orders may not be placed under the schedule contract. The purpose of such limitation is to enable the Government to explore the possibilities of securing lower prices for larger quantities exceeding the limitation. Maximum order limitations shall be included in those Federal Supply Schedule contracts where it is determined, in accordance with this section, that the use of such limitations will be advantageous to the Government.

(b) The amount of the maximum order limitation shall represent the best possible estimate of the quantity or volume above which suppliers will likely quote lower prices per unit due to the large quantity purchased. In fixing such amounts, appropriate categories shall first be determined and then the following factors should be considered:

(1) Pricing methods in the industry, including quantity discount practices.

(2) Approximate volume which represents a "production run" in the industry, giving consideration to both small and large business concerns.

(3) Number of sources from which the items are available.

(4) Whether the items involved are normally manufactured and sold commercially or manufactured to meet Government specifications.

(5) Extent to which the use of industry distribution facilities is contemplated as contrasted with shipment direct from factory.

(6) Relationship of total Government requirements to total production of industry.

(c) Maximum order limitations shall be examined prior to the issuance of a solicitation for a new schedule contract period. A record of such examination, including the justification for the limitations selected, shall be made a part of the contract file.

(d) When it appears advantageous to alter or eliminate existing limitations, or to establish new limitations, an appropriate recommendation and statement of justification therefor shall be forwarded to the procuring director for approval. Two information copies shall be furnished FPS.

(e) Whenever a maximum order limitation is used, the applicable clauses prescribed in paragraphs (1) through (4), below, with the appropriate monetary limitations inserted, shall be included in the solicitation. These clauses may be revised to express the maximum order limitation as a quantity rather than as a dollar value. Other situations require approval of the procuring director. In addition, the provision below shall be included in the solicitation (but not the resulting schedule) immediately following the Maximum Order Limitation clause:

CONSOLIDATION OF REQUIREMENTS

For the information of offerors, the following provision will be included in the resulting schedule:

In accordance with FPMR 101–26.106 agencies should consolidate their requirements whenever feasible so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation.

(1) When the maximum order limitations, both as to total value of orders and single items, will apply uniformly to all items in the schedule, the following clause shall be used:

MAXIMUM ORDER LIMITATION

(All dollar amounts are exclusive of any discount for prompt payment.) The total dollar value of any order placed under this contract shall not exceed $_____; *Provided*, That the dollar value for any single item ordered, whether ordered separately or in combination with other items, shall not exceed $_____. The Contractor agrees not to accept or fulfill any order in violation of this clause. Violation may result in termination of the contract pursuant to the clause of the General Provisions entitled "Default".

(2) When maximum dollar limitations are not established for single items, the clause in (1), above, shall be used without the proviso in the first sentence.

(3) When varying single item limitations are established for different items, the clause in (1), above, shall be used with the last phrase of the first sentence changed to read "shall not exceed the dollar amounts set forth below for the items indicated." and then listing the limitations for the individual item; for example:

Item No. NSN 1234–00–567–8901	$2,000
Any item in Class 7835	2,500
Any other single item	5,000

(4) The Maximum Order Limitation clause shown below is to be used when bidders are requested to offer discounts for quantity breakdowns. Contracting officers shall enter the limitation selected (see paragraph C, above) in paragraphs (a) (1) and (2) of the following clause. In addition, dollar breakdowns shall be listed for single order—one item and multiple items.

MAXIMUM ORDER LIMITATION (MOL)

(a) *LIMITATIONS*. No ordering office may submit and no Contractor may accept an individual order in excess of the limits imposed by the following paragraphs. (For purposes of this clause, discounts for prompt payment shall not be considered.) Violation of these limits may result in termination of the contract under the clause of the General Provisions entitled "Default."

(1) *MOL for Contractors with accepted volume discounts*. (See Discounts paragraph below.) No single order may exceed $_____. No order for a single item, whether ordered separately or in combination with other items, may exceed $_____.

(2) *MOL for Contractors with no accepted volume discounts*. No single order may exceed $_____. No order for a single item, whether ordered separately or in combination with other items, may exceed $_____.

(b) *DISCOUNTS*. Offerors are requested to offer volume discounts for the dollar amounts listed below. If the offeror does not offer a discount for each dollar amount, or if the discounts offered are unacceptable to the Government, the MOL will be set at the highest discount acceptable to the Government. Volume discounts will not be evaluated for award of contract (see Method of Award clause).

Single order—one item	*Volume discount offered*

Single order—multiple items	*Volume discount offered*

§ 5A–73.205–6 Requirements in excess of Maximum Order Limitation clause.

Except as noted below, schedules resulting from solicitations containing a Maximum Order Limitation clause shall include the clause shown below (included in GSA Form 2891). See § 5A–73.508 for procedures for processing requisitions for requirements in excess, or below, a schedule's maximum order limitation.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Agencies required to use Federal Supply Schedules as a mandatory source shall forward requisitions for items included therein which exceed the applicable maximum order limitation to the GSA regional office serving the consignee. Non-mandatory users may, at their option, forward such purchase requests to the above office for purchase action.

(b) In accordance with FPMR § 101–26.106 agencies should consolidate their requirements whenever feasible so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in a schedule at the agency headquarters office (national, regional, State, bureau, etc.) shall, when the total requirement exceeds the maximum order limitation, forward such requisitions to the GSA regional office serving the agency headquarters in accordance with appropriate FEDSTRIP/MILSTRIP procedures.

NOTE.—The above clause shall be modified when included in schedules covering FSC Group 58, Part V, Section C; FSC Group 70, Part XI; or FSC Group 75, Part VIII, to require submission of excess MOL requirements to the "office issuing the schedule" in lieu of the "GSA regional office servicing the consignee" in paragraph (a) and "GSA regional office serving the agency headquarters" in paragraph (b). (see FPMR 101–26.508–2 and 509–2(a)).

§ 5A–73.205–7 Special Requirements clause.

The following Special Requirements clause shall be included in each solicitation and resulting schedule (included in GSA form 2891).

SPECIAL REQUIREMENTS

When an agency required to use the contracts listed herein finds that the specific articles or services contracted for will not meet a special requirement, articles or services having the same general characteristics needed to meet the special requirement may be procured: *Provided*, That a prior written waiver of the requirement for using the schedule is obtained from the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406, in accordance with FPMR 10–1–26.401–3, and any implementing regulations of the requesting agency.

§ 5A–73.206 Price escalation clauses.

The use of price escalation or price adjustment clauses in Federal Supply Schedule contracts shall be in accordance with § 5A–7.103–73.

§ 5A–73.207 Quantity discounts.

Although Federal Supply Schedules are designed to provide a contractual source of supply for day-to-day requirements of Governmental agencies, single orders for relatively large quantities, within the maximum order limitations, may be issued. In recognition of this fact, provision shall be made in the solicitation, whenever feasible, for the bidder to quote quantity discounts. (See also § 5A–73.205–5(e)(4).)

§ 5A–73.208 Basis of award.

§ 5A–73.208–1 Progressive awards.

Progressive awards shall be avoided and used only when another method of award is clearly not feasible. (See also § 5A–72.212.)

§ 5A–73.208–2 Aggregate awards.

For instructions regarding grouping items for aggregate awards, weighting of items, and the pricelist method of making aggregate awards, see §§ 5A–2.201–53 and 5A–2.201–54.

§ 5A–73.208–3 Multiple awards.

See § 5A–73.217–2 for award clauses for use in multiple award Federal Supply Schedule solicitations.

§ 5A–73.209 Delivery provisions.

For delivery terms and time of delivery provisions see Part 5A–19 and § 5A–1.316, respectively.

§ 5A–73.210 Sales volume determination.

Accurate sales volume data for each schedule item is important. Such information (1) has a direct effect on bid prices; (2) assists the contracting officer in determining the type of contracting most suitable; and (3) serves as the basis for official reports on the total usage under the Federal Supply Schedule Program. The input data document for Federal Supply Schedule contractor sales volume is GSA Form 72A, Contractor's Report of Orders Received.

NOTE.—GSA Form 72, Contractor's Report of Orders Received, is authorized in term contracts for the repair, reclamation, and rehabilitation of personal property.

§ 5A–73.210–1 Contractor's report of orders received.

(a) The following clause (included in GSA Form 1424) shall be included in all schedule solicitations. The clause requires contractors to submit a monthly report of all orders placed against a schedule contract. Any exception to this monthly reporting requirement must be approved in advance by the Assistant Commissioner for Procurement.

REPORT OF ORDERS RECEIVED

(Applicable to (1) all Federal Supply Schedule contracts, and (2) other contracts where expressly made applicable by the solicitation.) Contractors shall furnish, on or before the 15th day of each month, a report of all orders (from Government agencies and Government contractors) received during the preceding month, by dollar value, on each item or subitem upon which an award is received. Negative reports are required for each month in which no orders are received. Unless otherwise specified, the report shall be made on GSA Form 72A, Contractor's Report of Orders Received, and forwarded to the address to be specified at the time of award. The right is specifically reserved by the Government to inspect without further notice such records of the contractor as pertain to sales under any contract resulting from this invitation. Failure or refusal to furnish the required reports, or falsification thereof, shall constitute sufficient cause for terminating the contract for default in accordance with the provisions of Article 11 of Standard Form 32.

(b) The contracting officer shall furnish the following documents to the unit responsible for Procurement Transaction Reporting (PTR) data entry to enable that unit to properly distribute and process GSA Forms 72A: A copy of (1) each Federal Supply Schedule solicitation (at the time of issuance), and (2) each subsequent award document (GSA Forms 1535), including all amendments. Upon receipt of the award document, the PTR unit shall mail each contractor one GSA Form 72A for each month of the contract period for each item awarded (i.e., 12 GSA Forms 72A for each item for a 12 month contract period). See FSS P 7840.3 for procedures regarding the processing of GSA Form 72.

§ 5A–73.210–2 Estimated requirements.

If available, each schedule solicitation shall include in the first column on the left side of the page opposite each item, the dollar value of orders received as reported by contractors for the latest comparable preceding period. When new items are added or when the coverage of mandatory users of the schedule is extended, these figures shall be augmented by the best possible estimates, based upon anticipated volume. To explain to prospective bidders the meaning of these figures, the following statement shall be entered immediately before the listing of items in the solicitation:

Estimated Requirements. The figures in the first column show (1) purchases in dollars for the period (*state period*) as reported by the previous contractors, or (2) estimates of the anticipated volume where the item is new or its coverage of mandatory users has been extended. No guarantee is given *that any* quantities *will be purchased.* The absence of a figure indicates that neither reports of previous purchases nor estimates of requirements are available.

§ 5A–73.211 Special packing.

(a) In solicitations where award is based on standard commercial (Level C) packing, offerors shall be requested in appropriate cases to submit additional prices covering higher levels of packing than that on which the basic award is predicated. (NOTE.—The word "packing" as used here shall be construed to mean "preservation, packaging, and packing.") For example, when it is anticipated that orders involving export shipments will be placed under the schedule on a recurrent basis, offerors shall be requested to quote additional prices on both Level B and Level A packing, since Level B packing will ordinarily provide adequate protection to overseas destinations when shipment is made by seavan. When it is not considered expedient to request prices for export packing but it is anticipated that items ordered for domestic use will be subjected to multiple handling and reshipment (as for stock in DoD warehouses), offerors shall be requested to quote additional prices for Level B packing. In solicitations under which award is based on Level B packing, an additional price shall be requested only for Level A packing, in appropriate cases.

(b) If the items to be procured are covered by a Federal or military specification which prescribes detailed requirements applicable to Level B and Level A packing, such specification shall be cited in the solicitation. In the event there is no Government specification applicable to the commodity involved (as may be the case with respect to multiple award procurements), offerors shall be requested to quote additional prices on higher levels of packing which may be used by the supplier in commercial trade, such as "commercial export packing." The aforementioned higher levels of packing are hereinafter referred to as "special" packing.

(c) Offerors may either be requested to submit additional charges for special packing (to be added to the Level C delivered price), or they may be requested to submit separate unit (net delivered) prices for the items packed at the specified level(s). However, if additional charges for special packing are requested, the solicitation must provide that such additional charges shall include any differentials in transportation and related costs attributable to handling and shipment of the more heavily packed item.

(d) Offers on special packing shall not be included as a consideration in determining awards, and this fact shall be stated in advertised solicitations. When the successful offeror for the basic item has been determined, award shall also be made to that offeror for special packing unless the prices quoted for such packing are considered unreasonable, in which event an effort shall be made to secure an appropriate reduction. If a reduction cannot be agreed upon, award for the special packing shall not be made.

(e) The solicitation and resulting schedule shall clearly state that no ordering activity will be obligated to use the contractor's services for special packing. The solicitation should also indicate that if an offeror's additional prices for special packing are accepted, he is required to furnish such packing if so specified on the purchase order. This will make available to ordering activities a packing service under the schedule and at the same time give them the flexibility to make other arrangements if determined more advantageous.

(f) Examples of clauses suitable for use in solicitations requesting prices for special packing are set forth below. These clauses may be modified or additional clauses developed to fit particular circumstances.

(1) Advised solicitations:

SPECIAL PACKING

(a) Bidders are requested to furnish, in the spaces provided elsewhere in this invitation, additional charges for Level B and Level A preservation, packaging and packing (hereinafter referred to as "packing") in accordance with (*insert references to applicable specifications*). These additional charges shall include any differentials in transportation and other costs incidental to handling and shipment of the items to destination.

(b) Additional charges submitted for Level B and/or Level A packing will not be considered in evaluating bids. However, award will be made for such packing to the bidder receiving award on the basic item when the prices offered for the higher level of packing are considered reasonable.

(c) Ordering activities will not be obligated to use the Contractor's services for special packing awarded under this invitation, and they may obtain such services elsewhere if desired. However, the Contractor shall fulfill all orders from items packed Level B or Level A at the accepted price when such packing is specified on the purchase order.

(2) Multiple award solicitations:

EXPORT PACKING

(a) Offerors are requested to quote, in the price list accompanying their offer (or by separate attachment), additional charges or net prices covering delivery of the items furnished with commercial and/or Government export packing. Government export packing, if offered, shall be in accordance with (*cite applicable specifications*). If commercial export packing is offered, the offer or pricelist shall include detailed specifications describing the packing to be furnished at the price quoted.

(b) Ordering activities will not be obligated to use the Contractor's services for export packing accepted under this solicitation, and they may obtain such services elsewhere if desired. However, the Contractor shall furnish items export-packed when such packing is specified on the purchase order.

(g) In addition to showing prices for Level B, Level A, commercial export, and any other special packing offered and accepted, the schedule (or catalog/pricelist) shall include as much of the following as may be applicable: (1) A statement that use of the contractor's services for special packing is optional on the part of the ordering activities, but that the contractor is obligated to provide such packing at the contract price when so specified on the purchase order; (2) specifications (or references thereto) describing the various levels of packing available from each contractor; (3) a statement to the effect that the additional charges for special packing include transportation cost differentials; and (4) any other pertinent information regarding this subject which may be helpful to ordering agencies.

§ 5A–73.212 Inspection.

(a) The Office of Standards and Quality Control (FM) determines which Federal Supply Schedules are to be selected for source inspection, quality control, and assigned contract administration assistance by the Quality Control Division. The schedules selected for source inspection are set forth in § 5A–76.317.

(b) The contracting officer, prior to preparation of solicitations, shall coordinate with the Policy and Programming Branch (FMQP), as follows:

(1) To determine whether solicitations (other than multiple award) for schedules which are not listed in § 5A–76.317 should provide for source inspection, and

(2) To advise of any proposed significant changes in Federal Supply Schedules selected for source inspection now set forth in § 5A–76.317, such as cancellations, splitting, or consolidation of schedules, or transfer of items from one schedule to another.

(c) The Source Inspection clause prescribed in § 5A–2.201–78 shall be included in each solicitation selected for source inspection, quality control, and assigned field contract administration assistance.

(d) Promptly after the award of each Federal Supply Schedule contract requiring inspection at source, the contracting officer shall furnish:

(1) Each regional Director, Quality Control Division, having cognizance under the contract with two copies of the contract for each inspection point. The following documents may be substituted for the contract:

(i) Two copies of the solicitation, and

(ii) Two copies of GSA Form 1535 (front page only), Recommendation for Award(s), and pertinent pages of the contract which contain information necessary for source inspection. Where the inspection point(s) is different from the production point, the contracting officer shall include such information on the front page of the GSA Form 1535.

(2) The Quality Control Division, Central Office, with one set of contract information as described in (1), above.

§ 5A–73.213 Blanket purchase arrangements.

The following clause shall be included in each schedule solicitation. The clause shall also be included in each resulting schedule, except that the language immediately following paragraph (c) (reading "For the information of offerors, the following clause will be included in resulting schedules:") shall be deleted (included in GSA Form 2891).

BLANKET PURCHASE ARRANGEMENTS

The Contractor agrees to enter into blanket purchase arrangements with ordering activities: *Provided*, That:

(a) Only items covered by the contract are ordered under such arrangements;

(b) The period of time covered by such arrangements shall not exceed the period of the contract; and

(c) Orders placed under such arrangements shall be issued in accordance with all applicable regulations and the terms and conditions of the contract.

For the information of offerors, the following clause will be included in the resulting schedules:

Blanket purchase arrangements shall not be used to cover an anticipated series of orders to be placed within a short period of time the value of which would exceed the maximum order limitation (see FPMR 101–26.401–4(c)).

§ 5A–73.214 Contractor's payment address.

The following clause shall be included in each schedule solicitation:

CONTRACTOR'S PAYMENT ADDRESS

The bidder shall indicate below the address to which Government checks should be mailed for payment of invoices submitted under any resultant contract.

§ 5A–73.215 Dissemination of information by contractor.

The following clauses shall be included in solicitations as indicated:

(a) Federal Supply Schedule solicitations (except New Item Introductory).

DISSEMINATION OF INFORMATION BY CONTRACTOR

The Government will provide the Contractor with a single copy of the resulting Federal Supply Schedule. However, it is the responsibility of the Contractor to furnish all sales outlets authorized to participate in the performance of the contract with the terms, conditions, pricing schedule, and other appropriate information.

(b) New Item Introductory Schedule solicitations.

DISSEMINATION OF INFORMATION BY CONTRACTOR

It is the responsibility of the Contractor to furnish all sales outlets authorized to participate in the performance of the contract with the terms, conditions, pricing schedule, and other appropriate information.

§ 5A–73.216 Procurement of items using jewel bearings.

(a) The following clause shall be included in each schedule solicitation for the Federal Supply classes or groups identified in FPR 1–1.319(d), unless the contracting officer has positive knowledge that the items covered by the schedule do not contain jewel bearings.

REQUIRED SOURCE FOR JEWEL BEARINGS

(a) Jewel bearings which may be required in the performance of this contract (whether by the prime Contractor or by Subcontractors) shall be procured from the Government owned William Langer Jewel Bearing Plant, Rolla, North Dakota, at prices established in the Official United States Government Jewel Bearing Price List dated (*obtained from Director, Contract Operations Division, FJM*) to the extent that this source produces jewel bearings of the type required in the performance of this contract.

For the purposes of this clause "jewel bearings" means a piece of synthetic sapphire or ruby of any shape, except a phonograph needle, which has one or more polished surfaces and which is suitable for use in an instrument, mechanism, subassembly or part without any additional processing to the synthetic sapphire or ruby. A jewel bearing may be either unmounted or mounted into a ring or bushing. Examples of types of jewel bearings are: watch holes-olive, watch holes-straight, pallet stones, roller jewels (jewel pins), end stones (caps), vee (cone) jewels, instrument rings, cups, double cups, and orifice jewels.

(b) Each purchase order issued to the plant under this contract shall include the prime contract number and date of the price list cited above. The contractor agrees that the quantities, types, and sizes (including tolerances) of jewel bearings so ordered will be those required for the performance of this contract.

Within 30 days after the end of each calendar quarter following award of contract, the Contractor shall furnish to the Contracting Officer a certification that an order has been placed pursuant to this clause with the William Langer Jewel Bearing Plant in an amount (by type and size) equivalent to the number of jewel bearings contained in all items sold under this contract in such calendar quarter. Jewel bearings so obtained will be placed in the Contractor's inventory for satisfaction of current or future Government contractual requirements or for use in commercial production except when such latter use would interfere with economical or normal production. The Contractor agrees to notify the Contracting Officer promptly of the rejection of his (or any subcontractor's) purchase order in whole or in part by the plant, and further agrees to an equitable adjustment in the contract price to reflect any costs or savings to the Contractor resulting from such rejection.

(c) The Contractor agrees to insert this clause, including this par. (c), in every subcontract and purchase order, unless he knows that the subassembly, component, or part being purchased does not contain jewel bearings.

(b) As soon as possible after award or renewal of a Federal Supply Schedule contract which requires the contractor to purchase William Langer Jewel Bearings, the Director, Contract Operations Division, FJM, shall be advised in writing of the: (1) Name and address of the contractor, (2) contract number, (3) Federal Supply Schedule identification, (4) contract period, and (5) applicable item number or special item number. Copies of quarterly certificates of compliance with the "Required Source of Jewel Bearings" clause shall also be submitted to FJM.

§ 5A–73.217 Negotiated multiple award Federal Supply Schedules.

(a) This method of schedule contracting provides for multiple awards to more than one supplier for comparable items. It is used when it is to the Government's advantage to provide (1) effective utilization of industry production and distribution facilities, or (2) selectivity from among comparable items when there are no prescribed standards or specifications.

(b) This section prescribes procedures and clauses for use in preparation of multiple award solicitations. (Unless otherwise indicated, the clauses prescribed herein are also to be used in New Item Introductory Schedule solicitations.)

§ 5A–73.217–1 Time for acceptance of offers.

(a) As indicated in § 5A–2.201–71, the time for acceptance of offers should normally be established as 60 calendar days from the the date specified for receipt of offers. However, when considered necessary by the contracting officer and con-

curred in by the procuring director, offer acceptance periods exceeding 60 calendar days, but in no case exceeding 180 calendar days from the date specified for receipt of offers, may be stipulated.

(b) The following procedures should be used when an acceptance of offer period of 60 or more calendar days is required.

(1) Page 1 of Standard Form 33—Insert as asterisk at the end of the acceptance statement and in block 11 insert the notation "See TIME FOR ACCEPTANCE OF OFFER set forth under Incorporation of Forms."

(2) Page 3 of solicitation—Insert the following statement:

TIME FOR ACCEPTANCE OF OFFERS

Offerors are requested to allow a minimum of _____ calendar days within which time offers may be accepted. IF NO TIME IS SPECIFIED IN THE SPACE PROVIDED THEREFORE ON PAGE 1 IT WILL BE CONSIDERED THAT _____ CALENDAR DAYS ARE INTENDED.

NOTE.—Contracting officers to insert the same number of days in both of the above spaces.

§ 5A–73.217–2 Multiple Awards clauses.

One of the following clauses shall be included in each multiple award schedule solicitation, as indicated.

(a) For use when resulting schedules will be *mandatory* on one or more agencies.

MULTIPLE AWARDS

The Government may make multiple awards for the articles or services listed herein to those responsible offerors whose offers, conforming to the request for proposal, will be most advantageous to the Government, taking into consideration the multiplicity and complexity of equipment of various manufacturers and the differences in performance required to accomplish or produce required end results, production and distribution facilities, price, compliance with delivery requirements, and other pertinent factors. Offerors are advised that ordering agencies will be subject to the following instructions:

"Where orders are placed at other than the lowest delivered price available for the type of article or service required, the ordering agencies shall justify such orders as provided in FPMR 101–26.408."

(b) For use when resultant schedules which may be used by any authorized activity on an *optional* basis.

MULTIPLE AWARDS

The Government may make multiple awards for the articles or services listed herein to those responsible offerors whose offers, conforming to the request for proposal, will be most advantageous to the Government, taking into consideration availability of production and distribution facilities, price, quality, facility of delivery, technical advice or service in connection with products involved, and other pertinent factors. Offerors are advised that agencies which contemplate placing orders for items of the type contained in contracts resulting from this request for proposal will be instructed, except where precluded by administrative expense or urgency considerations, to consider equally those contract sources and other sources to assure that purchases of such items are made to the best advantage of the Government, taking into consideration price, availability, delivery time and costs, and other pertinent factors.

§ 5A–73.217–3 Basis for Price Negotiation clause.

The following clause shall be included in each multiple award schedule solicitation. Pricing data required by this clause shall be obtained by using the Discount Schedule and Marketing Data sheets exhibited in § 5A–76.313. Offerors shall be required to prepare individual data sheet sets for each special item number for which an offer is being submitted.

BASIS FOR PRICE NEGOTIATION

(a) *General.* Prices for items to be awarded under this solicitation normally will be negotiated on the basis of discounts from offeror's established catalog or market prices. Pricing data for the purpose of such negotiation shall be submitted and certified as hereafter provided.

(b) *Established catalog or market prices.* If the prices offered under this solicitation are based on established catalog or market prices, a certification is required that such prices are established catalog or market prices for commercial items as defined in FPR 1–3.807–1(b)(2).

(c) *Certificate of established catalog or market price.* Offeror certifies that to the best of his knowledge and belief:

(1) The price(s) quoted in this proposal is based on established catalog or market prices of commercial items, as defined in FPR 1–3.807–1(b)(2), in effect on the date of the offer or on the dates of any revisions submitted during the course of negotiations.

(2) Substantial quantities of the items have been sold to the general public at such prices.

(3) All of the data (including sales data) submitted with this offer are accurate, complete, and current representations of actual transactions to the date when price negotiations are concluded.

NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or Print)

_____

SIGNATURE _____

FIRM _____

DATE OF EXECUTION _____

CAUTION: False statements may subject offeror to penalties provided by statute and regulations.

(d) *Price reduction for defective pricing data.* If subsequent to the award of any contract resulting from this solicitation, it is found that any price negotiated in connection with this contract was increased by any significant amount because the prices, data, and facts were not as stated in the offeror's "Certificate of Established Catalog or Market Price," then the contract price(s) shall be reduced by such amount and the contract shall be modified in writing to reflect such adjustment. Failure to agree on such a reduction, subsequent to a "final decision" by the Contracting Officer in this matter, shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of the contract.

(e) *Access to records.* By submission of this proposal, the offeror grants to the Contracting Officer, or his authorized representative, the right to examine, for the purpose of verifying the (1) statements made in the above "Certificate of Established Catalog or Market Price" or (2) cost or pricing data (including computations and projections) submitted in connection with the "Certificate of Current Cost or Pricing Data" (see f, below), those books, records, documents, papers, and other supporting data which involve transactions related to this proposal which will permit adequate evaluation and verification thereof.

(f) *Cost or pricing data.* (1) If it is determined by the Government that the price(s) quoted under this solicitation is *not* based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the offeror shall submit in writing cost or pricing data in support of the proposed price. (For definition of "cost or pricing data," see FPR 1–3.807–3.)

(2) The offeror shall certify, by the use of the certificate in FPR 1–3.807–4, that to the best of his knowledge and belief the cost or pricing data submitted in accordance with the above is accurate, complete, and current. The applicable clauses in FPR 1–3.814 are incorporated by reference in this contract.

§ 5A–73.217–4 Catalogs and pricelist clauses.

(a) The following clause shall be included in each multiple award schedule solicitation, except those identified in pars. (b) and (c), below.

CATALOGS AND/OR PRICELISTS

(a) *Submission with offer.* (1) Two copies of the offeror's current published (dated or otherwise identified) commercial descriptive catalogs and/or pricelists must accompany the offer. Commercial catalogs and/or pricelists shall be those catalogs and/or pricelists which show "established catalog or market prices," (as defined in the special provision of the solicitation titled "Basis for Price Negotiation.") * Special catalogs or pricelists, printed for the purpose of this offer and showing only net prices to the Government or reference to previous submissions, are not acceptable.

*NOTE TO CONTRACTING OFFICER.—The bracketed language is to be omitted in advertised schedules solicitations which do not contain the "Basis for Price Negotiation" clause, e.g. schedules for repair services which include a replacement parts pricelist.

(2) In the event an offer covers more than one special item number, the offeror shall identify *in the catalogs or pricelists,* by each item, the special item number under which the catalog or model number is being offered. All other items shall be marked "excluded," lined out, and initialed by the offeror.

(3) Foreign items. (See par. 7 of page 2, SF 33.) The offeror shall list each foreign item offered indicating item and/or catalog number and page number of catalog.

(4) The offeror is required to show in detail on the attached "Discount Schedule and Marketing Data" sheets the discounts being offered the Government and all other classes of customers.

(5) If the terms of sale appearing on the commercial catalogs or pricelists on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.

(b) *Approval by the contracting officer:* Upon award of contract, the Contracting Officer will return to the contractor a copy of the contract and one copy of the catalog or pricelist, as accepted by the Government. The Contractor will also be furnished a list of addresses who are to receive catalogs or pricelists in accordance with (e), below, and information for a cover sheet or insert to be reproduced and distributed as outlined in (c), below.

(c) *Printing of catalogs or pricelists:* (1) The Contractor shall either (1) print and distribute commercial catalogs or pricelists as accepted by the Government, showing accepted discounts, or (2) upon approval of the Contracting Officer, print and distribute special Government catalogs or pricelists which reflect only net prices, based upon the commercial pricelists less discounts accepted by the Government. In the latter instance, Contractor must show on cover page the notation "Prices Shown Herein are Net (discount deducted)."

(2) The format and content of each Federal Supply Schedule catalog and/or pricelist shall be as follows:

The following information shall be set forth on the catalog or pricelist cover sheet:

General Services Administration, Federal Supply Service, Authorized Federal Supply Schedule Pricelist (Catalog).

Schedule title and FSC group, part section.
FSC class(es).
Contract number.
Contract period.
Contractor's name, address, and phone number.
Contract administration source (if different from preceding entry).
Business size.

Information for ordering activities. Under this heading there shall be consecutively numbered paragraphs in the sequence set forth below. (If this information is placed in another part of the catalog or pricelist because of lack of space or for other reasons, or the sequence is not maintained, a table of contents shall be shown on the cover page or insert referring to the exact location of the information.)

1. Table of awarded special item number(s) with appropriate cross-reference to page number(s).
2. Maximum order limitation.
3. Minimum order.
4. Geographic coverage (delivery area).
5. Point(s) of production (city, county and State or foreign country).
6. Discount from list prices or statement of net price.
7. Quantity discounts.
8. Prompt payment terms.
9. Foreign items.
10. Time of delivery.
11. F.O.B. point(s).
12. Ordering address(es).
13. Payment address(es).
14. Warranty provision.
15. Export packing charges.
16. Terms and conditions of rental, maintenance, and repair (if applicable).
17. Terms and conditions of installation (if applicable).
18. Terms and conditions of repair parts indicating date of parts pricelist and any discounts from list price (if applicable).
19. List of service and distribution points (if applicable).
20. List of participating dealers (if applicable).
21. Preventive maintenance (if applicable).

(3) Amendments to contractor catalogs or pricelists shall include on the cover page the same information as the basic document plus the title "Supplement No. (sequentially numbered)" and the effective date(s) of such supplements.

(d) *Certification by Contractor.* (1) THE CONTRACTOR SHALL FURNISH THE CONTRACTING OFFICER — COPIES OF THE PUBLISHED CATALOGS OR PRICELISTS WITHIN 15 CALENDAR DAYS PRIOR TO THE BEGINNING OF THE CONTRACT PERIOD OR WITHIN 30 CALENDAR DAYS AFTER RECEIPT OF AWARD OR NOTICE OF AWARD.

(2) THE CATALOGS OR PRICELISTS FURNISHED THE CONTRACTING OFFICER SHALL BE ACCOMPANIED BY A STATEMENT SIGNED BY THE CONTRACTOR, CERTIFYING THAT ITEMS, DISCOUNTS, PRICES, TERMS, AND CONDITIONS THEREIN ARE IDENTICAL TO THOSE ACCEPTED BY THE GOVERNMENT AND THAT ONLY THOSE PRODUCTS ACCEPTED BY THE GOVERNMENT ARE INCLUDED IN THE CATALOGS OR PRICELISTS FURNISHED THE CONTRACTING OFFICER AND DISTRIBUTED TO ORDERING OFFICES.

(3) FAILURE TO FURNISH THE ABOVE CERTIFICATION STATEMENT, OR WILLFUL ERRONEOUS CERTIFICATION, MAY CONSTITUTE SUFFICIENT CAUSE FOR APPLYING THE PROVISIONS OF ARTICLE 11, "DEFAULT," OF STANDARD FORM 32, GENERAL PROVISIONS (SUPPLY CONTRACT).

(e) *Distribution to ordering offices.* Distribution of printed catalogs or pricelists to ordering offices on the list of addressees furnished by the Contracting Officer shall be accomplished within 15 calendar days prior to the beginning of the contract period, or within 30 calendar days after receipt of the award or notice of award, whichever is later. The Contractor shall notify the Contracting Officer in writing when such distribution has been completed. In addition, the Contractor is required to supply such documents when requested by individual ordering offices or the Contracting Officer. The use of the address list for any other purpose is not authorized. The following list of catalog or pricelist descriptions covering commodities included in this solicitation and the approximate numbers needed is furnished for offeror's information.

Description of Catalog or Pricelist	Approx. No. of Copies

(b) *New Item Introductory Schedule solicitations (except those in (c), below).* Include the clause prescribed in (a), above, except that the following shall be substituted for paragraph (e) of the clause;

(e) *Distribution to ordering offices:* Distribution of printed catalogs or pricelists to ordering offices should be accomplished within 15 calendar days prior to the beginning of the contract period, or within 30 calendar days after receipt of the notice of award, whichever is later. It is not mandatory that distribution be made to all ordering offices on the list of addressees furnished. However, the Contractor is required to supply such documents when requested by individual ordering offices or the Contracting Officer. The use of the mailing list for any other purpose is not authorized. The Contractor shall notify the Contracting Officer in writing when distribution has been completed. The following list of catalog or pricelist descriptions covering commodities included in this solicitation in the approximate numbers needed is furnished for offeror's information:

Description of Catalog or Pricelist	Approx. No. of Copies

(c) *Schedule solicitations containing the "Required Source for Jewel Bearings" clause in § 5A–73.216.* Include the clause prescribed in (a) above, modified to include the following paragraph immediately after subparagraph (a)(5) of the clause:

(6) Items containing jewel bearings. If compliance with the clause in this solicitation entitled "Required Source for Jewel Bearings" results in increases over commercial list prices, the offeror shall submit a separate list showing for each item (1) item identification, (2) number, size, and type of jewel bearings, and (3) the additional price, if any, resulting from the required purchase of Langer-made jewel bearings; such price to be added to the Contractor's list price. If the Contracting Officer determines that the additional price is reasonable, he will approve it in accordance with paragraph (b), below, and the Contractor shall include this information as part of the cover page or insert to be distributed with his accepted catalogs or pricelists in accordance with paragraphs (c) through (e), below.

§ 5A–73.217–5 Price Reductions clause.

(a) The following clause shall be included in each schedule solicitation:

PRICE REDUCTIONS

(a) *Reductions to commercial customers and Federal agencies.* (1) If, after the date of the offer, the Contractor (i) changes any of the pricing documents or related discounts which were offered to and used by the Government to establish the prices in this contract or sells any supplies, equipment, or services offered by this contract at a price below that in any of the above referenced pricing documents so as to reduce any price within the applicable maximum order limitation to any customer, an equivalent price reduction shall apply to this contract for the duration of the contract period or until the price is further reduced, except for temporary price reductions.

For purposes of this paragraph, any method by which the price is effectively reduced shall constitute a price reduction: *Provided*, That temporary or promotional price reductions shall be made available to the Contracting Officer under the same terms and conditions as to other customers, except that in lieu of accepting bonus goods, the Contractor's cost of such goods shall be deducted from the contract price.

(2) This clause does not apply to any reduction by a Contractor in its prices to States, the District of Columbia, and other political subdivisions.

(b) *Effective dates and notifications.* (1) Any price reduction pursuant to (a)(1), above, shall be effective under this contract at the same time as the price reduction is effective for any other customer. The Contractor shall invoice at such reduced price and indicate thereon that the price reduction is pursuant to this Price Reductions clause until such time as this contract is amended.

(2) The Contractor shall notify the Contracting Officer in writing of any price reduction as soon as possible but not later than 10 calendar days after the effective date. Failure to give timely notice shall require that such price reductions apply to the contract for the duration of the contract period or until the price is further reduced, and may constitute a basis for termination of the contract as provided in the Default clause (Article 11) of Standard Form 32, General Provisions.

(c) *Contractors statement of price reductions.* The Contractor shall furnish within 10 calendar days after the end of the contract period a statement certifying either (i) that there was no applicable reduction or (ii) that any price reduction was reported to the Contracting Officer. For each reported price reduction, the Contractor shall show the date when the Contracting Officer was so notified.

(d) *Disputes.* Contractor's failure to respond to claims made by the Contracting Officer pursuant to this Price Reduction clause or failure by the contracting parties

to agree to the Contracting Officer's interpretation, application, or enforcement of its provisions shall constitute a "dispute" within the meaning of the Disputes clause (Article 12) of SF 32, General Provisions.

(b) Whenever the above Price Reductions clause is contained in a solicitation, the resulting schedule (included in GSA Form 2891) shall include the following notice.

NOTICE OF PURCHASE AT REDUCED PRICE

As required by FPMR 101-26.408-5, whenever a Federal agency using this schedule procures any article or service from the schedule Contractor at a price lower than the schedule contract price, the agency shall, within 10 calendar days, notify the GSA Contracting Officer of such purchase.

§ 5A-73.217-6 Additions, deletions, or reductions in prices of Federal Supply Schedule contract items.

The following clause shall be included in all multiple award schedule solicitations. Its inclusion should encourage the acceptance of bona fide offers of items to be added to existing new item and multiple award Federal Supply Schedule contracts for a limited period of time, such as items offered at reduced prices due to model changeover, the discontinuance of a product line, etc. The clause also authorizes a contractor to substitute, after award but no later than 30 calendar days prior to the start of the schedule contract period, a catalog or market pricelist other than the one on which his award was based.

AMENDMENTS

If, after award, the Contractor offers change(s) (e.g., additions, deletions, price reductions, or revision) to the approved pricelist, the Contractor shall submit ____ copies of the proposed change(s) and the reasons therefor to the Contracting Officer for consideration, in the following manner:

(a) *Additional items.* (1) Furnish "Discount Schedule and Marketing Data" information as required with original offer; (2) furnish published dated commercial pricelist on the new items, and effective date of such commercial pricelist; and (3) furnish production point and delivery time on the new items. If the information requested in (1), (2), and (3), above, is the same as that furnished under the original accepted offer, only a statement to that effect is required.

(b) *Deletion.* State reason for requesting deletion. The Government reserves the right to reject any subsequent offer of a substantially equal item at a higher price during the same contract period, if, in the opinion of the Contracting Officer, the higher price is unreasonable when compared with that of the deleted item.

(c) *Price reduction.* State whether in conformity with the criteria in (i) or (ii) of subparagraph (a)(1) of the special provision titled "Price Reductions." If type (i) reduction applies, submit copy of dated commercial pricelist.

(d) *Revision of commercial pricelist.* If, after award and no later than 30 calendar days prior to the start of the schedule contract period, the Contractor changes the established commercial catalog or market pricelist on which the contract was awarded, and furnishes the new pricelist to the Contracting Officer; the new pricelist, if deemed valid and reasonable by the Contracting Officer, may be substituted for the original pricelist provided (i) the Contracting Officer is notified in writing no later than 30 calendar days prior to the effective date of the schedule contract period of the new pricelist, and (ii) the Contractor certifies in writing that the new commercial pricelist is or will be in effect prior to the start of the contract period and that the discount(s) offered to the Government, as awarded, remain in the same ratio to those available to commercial customers. This provisions does not affect the terms and conditions of the Price Reductions clause of the contract.

Within 15 calendar days after receiving instructions from the Contracting Officer, the Contractor agrees to print and distribute supplemental pricelists reflecting accepted changes. The cover page of the supplemental pricelist(s) shall be sequentially numbered, and contain the effective date of the supplement plus the same information as the basic document (see the "Catalogs and/or Pricelists" clause of this contract).

§ 5A-73.217-7 Preference for Small Business Concerns and Labor Surplus Area Concerns clause.

The following clause shall be included in each multiple award schedule solicitation and resulting schedule (included in GSA Form 2891):

PREFERENCE FOR SMALL BUSINESS CONCERNS AND LABOR SURPLUS AREA CONCERNS

Offerors are advised that the following statement will be included in the resulting Federal Supply Schedule:

Attention of ordering agencies is directed to the provisions of Federal Property Management Regulation 101-26.408-4(b) which reads as follows:

"(b) Where two or more items at the same delivered price will meet the ordering agency's needs equally well, selection should be based on preference for the item of a labor surplus area concern or a small business concern. In making a selection on that basis, the same order of priorty shall be used as that established in paragraph (a) of FPR 1-2.407-6, Equal low bids. In making such a selection, the information in the Federal Supply Schedule as to the business size status or points of production of contractors may be used for preliminary, but not conclusive, determination as to whether small business or labor surplus area policies might be furthered through preferential award of the order. The extent to which additional and current information is obtained by an ordering agency is left to the discretion of the agency, taking into account the size of the order and other factors which the agency considers pertinent."

§ 5A-73.217-8 Foreign Products clause.

The following clause shall be included in each multiple award schedule solicitation and resulting schedule (included in GSA Form 2891):

FOREIGN PRODUCTS

In the event awards are made to concerns offering foreign items, ordering agencies will be subject to the following instructions: Where two or more items listed in the schedule will meet the requirements of an agency for a particular job and both foreign and domestic items are involved, the ordering agency should apply the differentials required by Executive Order 10582 dated December 17, 1954, and other regulations including FPMR 101-26.408-4(a) in the manner prescribed by the agency.

§ 5A-73.217-9 Renewal of Contracts clause.

(a) Multiple award Federal Supply Schedule solicitations shall contain the following clause unless its inclusion is clearly undesirable or inappropriate. Examples of situations where the clause should be omitted are (1) known phaseouts of the type of commodities or services, (2) anticipated downward penetrations in price trends, (3) expected shifts in the supply/demand ratio in favor of supply, hence a possibility for greater competition, and (4) such other factors which would indicate that the items on schedule could be obtained at more favorable terms at some future date. The contracting officers shall make a written determination when the Renewal of Contracts clause is to be omitted, setting forth the reasons therefor, and obtain approval for his determination from the procuring director (see § 5A-73.507 for procedures for use of clause).

RENEWAL OF CONTRACTS

(a) This contract may be renewed at the expiration of its term or any extension thereof by mutual agreement of the parties. Such renewal may be for a term of one year or less but in no event shall this contract, as modified, be extended beyond 3 years from the first effective date of this contract.

(b) Notice of its intent to renew will be given to the Contratcor in writing by the Government, normally ____(*) calendar days before the expiration date of the current contract. (This notice will not be deemed to commit the Government to a contract renewal.)

(c) Prior to any renewal of this contract the Contractor shall submit within ____(*) calendar days after the date of the Government's request such pricing, sales or other data as the Contracting Officer may request, such as but not limited to, the data required by the Basis for Price Negotiation and Discount Schedule and Marketing Data provisions of this contract.

(d) Notwithstanding the receipt of the aforementioned data, prices for the renewal period may be subject to negotiation and the Contracting Officer may request Contractor to furnish current cost and pricing data on any item where its price is found susceptible to negotiation. If the price is accepted by the Government it will be effective on the first day of the renewal period or on the acceptance date, whichever is later. If an agreement cannot be reached between the Government and the Contractor on any proposed price, the item or items involved will not be included in the contract for the renewal period.

(b) A renewal under the Renewal of Contracts clause constitutes a new contract in which the contract terms and conditions previously agreed upon, including any contract modifications, are carried over into a new contract period which, again, must not exceed the maximum of 1 year. No contract shall be renewed for a cumulative period exceeding 3 years from its first effective date.

---

*NOTE.—In computing the number of days which are to be inserted, consideration should be given to the necessary lead time for finalizing the renewal to ensure continuous supply availability, including the estimated time for negotiations, the time needed by the contractor to develop his proposal after receipt of the Government's notice of intent to renew, and the time which may be required for necessary contract approval action.

§ 5A–73.217–10 Cancellation clause.

The following clause shall be included in each multiple award schedule solicitation:

CANCELLATION

Resultant contracts may be cancelled in whole or in part by either party upon 60 calendar days written notice.

§ 5A–73.217–11 Rental, maintenance, and/or repair parts.

Multiple award schedule solicitations for equipment items should contain an appropriate provision to allow firms offering the basic equipment to offer commercially available plans for rental, maintenance and/or repair rates for this equipment. These features may, in whole or in part and at the option of the Government, be included in the resulting Federal Supply Schedules.

§ 5A–73.217–12 Brand name information.

Fill-in spaces shall be provided in the schedule of items portion of multiple award schedule solicitations for offerors to indicate the brand name(s) of products they are offering the Government. This information shall be obtained for all special items on which an offer is made.

Subpart 5A–73.3—Evaluation of Offers and Award of Contracts

§ 5A–73.301 General.

Evaluation of offers and award of Federal Supply Schedule contracts shall be made in accordance with the normal procedures governing formal advertising and negotiation, including the use of GSA Form 1535, Recommendation for Award(s). Contract numbers shall be assigned as prescribed in § 5A–1.352.

§ 5A–73.302 Notification of contract award.

A notification of contract award shall be issued in accordance with § 5A–2.407–83. A supply of GSA Forms 72A or 72 (as applicable), Contractor's Report of Orders Received, shall be furnished to the contractor. The following forms may be used to transmit the notification of award:

(a) Awards based on contractor's catalogs/pricelists—Letter format in § 5A–76.314.

(b) Awards not based on contractor's catalog/pricelist—GSA Form 103, Transmittal of Award of Contract, illustrated in § 5A–16.950–103.

§ 5A–73.303 Notification of schedule awards.

If the award is estimated to exceed $100,000, compliance with the provisions of § 5A–2.407–84 is required.

§ 5A–73.304 Distribution of contract documents.

Contract documents shall be distributed in accordance with § 5A–76.201. Final disposition shall be made in accordance with the provisions of GSA Order OAD P 1820.2, GSA Records Maintenance and Disposition System. See § 5A–73.501 regarding distribution of the Federal Supply Schedule and related catalog/pricelist.

§ 5A–73.305 Multiple award schedules.

§ 5A–73.305–1 Criteria for catalogs/pricelists.

(a) For schedule solicitations containing the Catalogs and/or Pricelists clause (§ 5A–73.217–4), the contracting officer shall determine compliance with this clause and ensure that objectionable or extraneous material not needed by ordering offices for placing purchase orders is omitted from the contractor's catalog and pricelist. Material of an advertising or promotional nature (except where such material is incidental to data relating to characteristics, use, or care of the merchandise covered by the contract), and reference to articles not covered by the contract shall be considered to be in this category.

(b) Printing of special catalogs for use with schedules is an item of considerable expense to contractors; therefore, the contractor's own commercial catalogs should be accepted if they comply with (a), above.

(c) In some cases a contractor, who is awarded items in two or more categories of items, each of which with a separate GSA catalog or mailing code number, may wish to combine the items in a single catalog or pricelist. Contractors should be permitted to do this when the related item categories are covered by the same schedule and for the same contract period. This will reduce distribution and handling costs to the Government and avoid additional expense to the contractor which could result in future higher prices. Under such arrangements, the contractor shall be required to print the applicable GSA mailing code.

§ 5A–73.305–2 Timely awards.

(a) In order to avoid unnecessary delay in the award of multiple award schedule contracts, contracting officers should give consideration to making awards notwithstanding the fact that some minor strictly administrative information is still outstanding: *Provided*, Such information is obtained orally prior to award, and the contractor has agreed to confirm it in writing subsequent to award. Legal counsel should be consulted in any case where there is a question as to whether the information to be obtained is minor and strictly administrative or substantive. In which event, award should be withheld pending resolution of the question.

(b) When an offeror has been requested to submit a "Letter of Supply" to show that manufacturers have made commitments to the offeror to furnish the items offered, award may be made prior to receipt of the letter of supply provided the offeror, (1) has submitted a letter of supply from the same manufacturer for a previous contract period, and (2) qualifies under Subpart 1–1.12.

Subpart 5A–73.4—Composition of Federal Supply Schedules

§ 5A–73.400 Scope of subpart.

This subpart sets forth the general composition of Federal Supply Schedules.

§ 5A–73.401 Composition of schedules.

(a) *Content.* Each Federal Supply Schedule should consist of the elements shown in this Subpart 5A–73.4 and such other components as may be required for specific schedules. All material shall be printed vertically in 2 parallel columns per page. Where formats are provided they should be adhered to so as to facilitate the use of all Federal Supply Schedules by using agencies.

(b) *Page heading and numbering.* The inside pages of schedules shall show the FSC group, part, and section numbers in the upper left-hand corner on even numbered pages and in the upper right-hand corner on odd numbered pages. Pages shall be numbered consecutively at the top center beginning with number 2 on the reverse of the cover page.

§ 5A–73.402 Schedule cover page.

The cover or title page shall contain the following information (see § 5A–76.329 for schedule cover page format):

(a) Schedule period;

(b) Schedule title;

(c) FSC group, part number (if applicable), section (if any), amendment number (if any), or "cumulative" schedule, as applicable;

(d) Commodity class(es); and

(e) Date of issuance.

§ 5A–73.403 Table of contents.

Each schedule shall include a table of contents.

§ 5A–73.404 Schedule provisions and ordering instructions.

Formats for provisions and ordering instructions to be included in advertised and multiple award schedules are shown in § 5A–76.327.

§ 5A–73.404–1 General provisions.

Specify in the general provisions (a) prescribed use of the schedule (e.g., geographic coverage, mandatory users, etc.) and (b) the forms applicable to the schedule (e.g. SF 32, GSA Form 1424, and GSA Form 2891). GSA Form 2891, Standard Provisions—Federal Supply Schedules, is exhibited in § 5A–16.950–2891, and contains those provisions applicable to all advertised and multiple-award schedules.

§ 5A–73.404–2 Special provisions.

Include in this portion of the schedule those provisions that are unique to a particular schedule.

§ 5A–73.404–3 Ordering instructions.

Include in this portion of the schedule instructions to assist ordering offices in preparing delivery/purchase orders.

§ 5A–73.405 List of supplies or services.

The "List of Supplies and Services" shall follow the "Ordering Instructions." The essential information shall be clear, concise, and readily understandable. Contents should be arranged so as to use available space to its best advantage. Unnecessary and repetitious language shall be avoided.

§ 5A–73.405–1 Forms.

(a) *Multiple-award schedules.* Lists of supplies or services for multiple award schedules shall be prepared on GSA Form 2806, List of Supplies and Services, (exhibited in § 5A–16.950–2806). Opposite each special item number and under the corresponding item description, the brand names, if any, shall be shown on the left side in this column and the contractors on the right side.

(b) *Advertised schedules.* Lists of supplies or services for advertised schedules (and negotiated schedules other than multiple award) shall be prepared on GSA Form 2806A, List of Supplies and Services, (exhibited in § 5A–16.950–2806A).

§ 5A–73.405–2 Index-numbering.

The following guidelines apply for index-numbering items:

(a) Each item in the "List of Supplies and Services" shall be numbered sequentially by index number, as follows:

(1) All items in the basic issuance of the new schedule for a schedule contract period whether identified by a National Stock Number (NSN) or a special item number shall be consecutively indexed.

(2) New items which are identified by a NSN or special item number which are being added to a current schedule at the end of the list of supplies shall be numbered consecutively using the next number following the last assigned index number of the schedule.

(3) New items which are identified by a NSN or special item number which are being added to a current schedule interrupting two consecutively numbered items; or when quantity breakdowns occur within one index number after initial issuance of the basic schedule has been made, indexing should be by use of alpha characters, i.e., by adding an "a" to the number for the (old) items immediately preceding the new item being added (e.g., existing item 151 would be changed to 151a), followed by .e.g.; 151b, 151c, 151d, 151e, etc., for the new items.

(b) Index item numbers shall be inserted in the Index No. column of GSA Form 2806 or 2806A (as applicable). In the columns to the right shall be shown the NSN or special item number, the item descriptions and for multiple award schedules, the brand names, and contractors receiving awards.

(c) Proper indentation of item description breakdowns is important to identify it with the item to which it belongs, e.g., summaries of characteristics, color, type of material, etc.

§ 5A–73.405–3 Listing of prices.

Prices for the items in the "List of Supplies and Services" shall normally be set forth in a separate price list which shall be presented in the following format, following the "List of Supplies and Services."

PRICE LIST

INDEX NUMBERS. When the item required is found in the LIST OF SUPPLIES AND SERVICES section, use the index number for that item and locate that index number in the table below to determine delivered price.

ZONES	ZONE (insert)	GEOGRAPHIC AREA (insert)

SYMBOLS. A/P (Award Pending), N/O (No Offer, and any other symbols properly identified, as required.)

PRICE, EACH, (in dollars), DELIVERED TO:

INDEX NUMBER	ZONES 1	2	3	CONTRACTOR as needed

NOTE.—When required, other columns such as "Shipping Point," "Shipping Weight," etc., may be added to the right of the ZONES columns.

§ 5A–73.405–4 Listing removed and nonawarded items.

(a) When no award, or delay of award, of a schedule NSN or special item covered by a previous contract is contemplated, the item shall be shown in the first subsequent issue of the schedule with an appropriate remark as to its status (see also § 5A–73.102 for changes to NSN coding data).

(b) An appropriate remark shall be made on the line where the item is listed, in the space used for the name of the contractor, or, when such space is insufficient, in a separate footnote properly identified with the item. For example:

(1) Deleted because of insufficient demand.

(2) Award pending, or, award to be made later during the contract period.

(3) No award to be made during this contract period (state reason).

(4) Deleted from schedule; replaced by item number _____.

(5) Reclassified; transferred to Federal Supply Schedule _____.

(6) Deleted from schedule; to be added to GSA stores stock.

(7) No award; carried in GSA stores stock.

§ 5A–73.406 List of Contractors.

Following the "List of Supplies and Services" or "Price List," shall be the "List of Contractors," which shall be prepared essentially in the following manner:

(a) Multiple award *schedules:*

LIST OF CONTRACTORS

CONTRACTS AWARDED AS A RESULT OF NEGOTIATION PURSUANT TO SECTION 302(c)(10) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, 63 STAT. 393, AS AMENDED (41 U.S.C. 252(c)(10))

BUSINESS SIZE: Listed in the Contract Number column is the business size indicator "s" for small business and "o" for other than small business.

MINORITY BUSINESS ENTERPRISES are identified in the Contract Number column with the symbol "a". Other than minority business enterprises are identified with the symbol "b".

CONTRACTOR, ADDRESS & TELEPHONE COLUMN: The first telephone number shown is the commercial number and the second telephone number is the Federal Telecommunications System (FTS) number.

Contract GS—	Contractor, address and telephone	Contract effective

(b) *Advertised schedules.* Advertised schedules (including negotiated schedules other than multiple awards) shall contain, as a minimum, the information shown below. If additional columns are required they may be added.

LIST OF CONTRACTORS

CONTRACTS AWARDED AS A RESULT OF ADVERTISING PURSUANT TO SECTION 303 OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, 63 STAT. 395, AS AMENDED (41 U.S.C. 253)

BUSINESS SIZE: Listed in the Contract Number column is the business size indicator "s" for small business and "o" for other than small business.

MINORITY BUSINESS ENTERPRISES are identified in the Contract Number column with the symbol "a". Other than minority business enterprises are identified with the symbol "b".

CONTRACTOR, ADDRESS & TELEPHONE COLUMN: The first telephone number shown is the commercial number and the second telephone number is the Federal Telecommunications System (FTS) number.

MINIMUM ORDER COLUMN: Listed is the smallest order which contractor stated he would accept.

MAXIMUM ORDER COLUMN: Listed first is the maximum order per single item and second is the maximum limitation for any order.

Contract GS—	Contractor, address and telephone	Contract effective

Contract number GS—	Contractor, address, telephone	Prompt payment discount	Minimum order (dollars)	Maximum order (dollars)	Point of production, shipping point, point of inspection

§ 5A–73.407 Cross-reference index.

Each schedule, if appropriate, shall contain an index identifying other schedules where similar items can be found. The information shall be titled "CROSS-REFERENCE TO RELATED SCHEDULES," and shall be placed immediately preceding the index of contents, if any.

A sample cross-reference, developed for the schedule FSC group 67, part II, section B, is shown below:

CROSS-REFERENCE TO RELATED SCHEDULES

FSC group	Part	Section	Related items
65	V	A	Film, medical, X-ray: 90-sec processing.
65	V	B	Film, medical, X-ray.
65	V	C	Film, dental, X-ray.
65	II	D	Film, industrial, X-ray, radiographic.
67	II	A	Film and chemicals, photographic.
67	IV	A	Film, microphotographic, diazotype.
67	IV	B	Film, microphotographic, purchase, rental, repair and maintenance of supplies and equipment.

§ 5A–73.408 Index of contents.

A Federal Supply Schedule which contains a "List of Supplies and Services" of more than one page shall have an alphabetical and a numerical index. These indexes shall be the last section of the schedule and titled "Index." The alphabetical index shall list the generic names of the items in alphabetical order showing on the same line the index number of the item. The numerical index shall follow the alphabetical index and list the special item numbers and/or NSN's in numerical order, showing on the same line the index number for the item. A sample index is exhibited in § 5A–76.328.

Subpart 5A–73.5—Administration of Federal Supply Schedule/Contracts

§ 5A–73.500 Scope of subpart.

This subpart prescribes procedures relating to the distribution and administration of Federal Supply Schedules.

§ 5A–73.501 Distribution of Federal Supply Schedules and related catalogs/pricelists.

Federal Supply Schedules and related catalogs/pricelists shall be distributed in accordance with GSA Order FSS 1860.4, FSS Publications Mailing List System.

§ 5A–73.502 Review of contractor's catalogs/pricelists.

The contracting officer shall review the catalogs and pricelists of all new contractors in order to ensure conformance with the terms and conditions of the contract. The catalogs and pricelists distributed by contractors who were on a previous contract shall be checked to the extent necessary to assure accuracy. The contracting officer shall require the contractor to distribute correction sheets to correct any errors which are discovered. Appropriate documentation as to the extent and the result of these reviews shall be included in the contract file.

§ 5A–73.503 Amending Federal Supply Schedule contracts.

(a) Except as provided in (b), below, amendments to schedule contracts shall be made by use of Standard Form 30, Amendment of Solicitation/Modification of Contract.

(b) Modifications requested to multiple award schedule contracts involving the addition and/or deletion of item, price reductions, or other administrative changes (see § 5A–73.217–6) may be acknowledged and accepted by the contracting officer on the face of the letter requesting the modification. As a minimum the acceptance of the modification must be numbered (sequentially, if more than one), reference the basic contract number, and indicate the date of acceptance.

§ 5A–73.504 Changes to Federal Supply Schedules.

(a) The following documents may be used to make changes to Federal Supply Schedules:

(1) *Cumulative schedule.* The preferred document to be used to transmit changes to schedules is a cumulative schedule containing all the information in the prior issuance with the new information added.

(2) *Amendment.* An amendment may be used to transmit changes to a schedule when the new information does not justify a complete reprint in the form of a cumulative schedule. Generally, if more than one page is needed, a cumulative schedule should be issued in lieu of an amendment. However, subsequent amendments shall be combined into one cumulative amendment.

(3) *Notice to ordering offices.* A Notice to Ordering Offices (illustrated in § 5A–76.329) may be used to transmit changes to a schedule when time will not permit the use of a cumulative schedule or amendment.

(b) The following guidelines should be followed in preparing schedule change documents:

(1) They shall be in the same format as the document they replace;

(2) They shall identify the document(s) being replaced or revised;

(3) The transmittal document for change documents shall be in the same format as the basic issuance;

(4) A vertical line on the right-hand margin shall be used to highlight new or changed information; and a statement shall be placed under the "General Instructions" explaining the purpose of the vertical line(s); and

(5) On amendments containing additional awards, a "List of Supplies and Services" and a "List of Contractors" shall be included in the same format as used in the basic schedule.

(c) Schedule changes should be distributed to ordering agencies no later than 30 calendar days after the change is made. At the time of distribution, the contracting officer shall ensure that a copy of the change document is sent to each Customer Service Director.

§ 5A–73.505 Performance and default.

FPMR 101–26.403 sets forth the responsibilities of agency ordering offices and Federal Supply Service contracting officers in connection with performance and default under Federal Supply Schedule contracts. The responsible procurement activities shall take all necessary steps in carrying out these responsibilities in connection with their schedule contracts.

§ 5A–73.505–1 Processing agency complaints regarding car rental schedule.

(a) Complaints received by the National Liaison Division (FFN) or the National Automotive Center (FY) from an agency headquarters shall be forwarded to the appropriate regional procurement director who shall investigate the complaint and furnish the Central Office division the information necessary to develop a reply to the agency.

(b) Complaints received by the National Liaison Division (FFN) or the National Automotive Center (FY) from an agency field office shall be acknowledged and the agency informed that the complaint will be forwarded to the appropriate regional office involved for direct reply. The complaint shall then be forwarded to the appropriate region for direct reply.

(c) Complaints received by regional offices shall be processed directly by the regional office.

(d) Information copies of the complaint and the reply for all complaints shall be furnished to the Director, Automotive Procurement Division (FYP).

§ 5A–73.505–2 Processing contractor's complaints concerning non-payment of invoices.

(a) Upon notification from a schedule contractor that he has been unable to collect on an invoice(s) from a Federal agency, the contracting officer will first determine what action the contractor has taken to collect payment. Unless the contractor has already done so, he should be requested to contact the agency finance office and the individual who issued the purchased order. If these contacts have been made or prove unsuccessful, the contractor should then be asked for the following information (to be confirmed in writing).

(1) Contractor's name/address and contract number.

(2) Invoice number/date/amount.

(3) Purchase order number.

(4) Government Bill of Lading number, if applicable.

(5) Issuing office/phone number and name of signing official.

(6) Paying office address/phone number.

(7) Any other pertinent information.

(b) When the contracting officer, or his designee, has received the above information, he shall endeavor to resolve the matter by first contacting (by phone or in writing) the agency finance office (accounts payable branch) and then the individual who issued the purchase order.

(c) If the contracting officer, or designee, is unable to aid the contractor in collecting payment after contacting the parties referred to in (a), above, he shall refer the matter to the Office of Interagency Support, National Liaison Division (FFN) by letter (over the branch chief's signature) detailing the action taken by him, and transmitting the information obtained pursuant to paragraph (a), above.

(d) FFN will contact by letter (with copy to the contracting officer) the agency concerned with the nonpayment of invoice(s). The contracting officer shall promptly notify the contractor upon receipt of the agency's response to FFN's inquiry. If notification is not received from FFN within 10 calendar days after transmittal of the letter to FFN, the contracting officer shall contact them to determine its status.

§ 5A–73.506 Requests for waivers.

See § 5A–1.305–70.

§ 5A–73.507 Contracts with renewal provisions.

The Renewal of Contracts clause in § 5A–73.217–9 shall be exercised unless the data collected in accordance with § 5A–73.507–1 clearly indicates that the renewal of the contract is not in the best interest of the Government. A justification not to renew shall be made in writing and be approved by the procuring director.

§ 5A–73.507–1 Factors to be considered prior to renewal.

The following factors shall be considered in making the determination to renew current schedule contracts or issue a solicitation for new contracts:

(a) New or additional clauses which must be incorporated in a renewal contract;

(b) Market trends reported in trade journals; and

(c) Price structure, i.e., price reductions made by contractor or potential competitors during the current contract period; prices which remained unchanged during the current contract period but which possess a potential for reduction because of improved production methods or for other reason; or price increases where for the same reasons, they should have remained unchanged or even to be reduced. Other issues which must be considered and evaluated with regard to price structure are:

(1) The data obtained from the contractor in connection with established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 5A–3.807–3(d)), as implemented by the "Basis for Price Negotiation" clause in § 5A–73.217–3;

(2) Savings to the contractor generated by his not having to print and distribute new catalogs and pricelists if the current contract were renewed;

(3) Reduction of taxes and duties which were included in current sale prices;

(4) Increases in profits, published in financial or trade papers;

(5) The most recent prices paid for similar items, or, in connection with definite quantity purchases, for the same items;

(6) By an informal investigation of prices or other examination of the market, especially whether better prices than those cited in the current contract would be obtainable;

(7) Changes in the cost of raw materials for or components of the products under the current contract;

(8) Changes in minimum wage rates established by the Secretary of Labor and, to the extent known, in wage rates otherwise changed pursuant to an agreement between the contractor and his employees;

(9) Changes in the contractor's distribution pattern;

(10) Actual value of purchases made by the Government during the current contract period compared with the estimated value when the current contract was entered into;

(11) Volume of sales (particularly of new items) which contractor has made to the public during the current contract period compared with the anticipated volume when the contract was entered into;

(12) Production licenses granted by the contractor to others and contractor's expired patent rights;

(13) Whether established prices are readily ascertainable and clearly indicate that the issuance of new solicitation would serve no useful purpose; and

(14) Changes in freight rates authorized by the ICC or other regulatory agencies which may affect the delivered price of items where freight is a factor.

§ 5A–73.507–2 Notice of intent to renew.

When it is determined to renew the contract the contractor shall be furnished a written notice of intent to renew containing the following elements:

(a) All revisions of or additions to the contract provisions;

(b) Confirmation of any changes in contract prices applicable to the renewed contract;

(c) A request for pricing, sales or other data in accordance with paragraph (e) of the Renewal of Contracts clause; and,

(d) Instructions on the extent to which new catalogs or pricelists are to be furnished for the renewal period, subject to possible changes as a result of any subsequent negotiations.

§ 5A–73.507–3 Notice of intent not to renew a New Item Introductory Schedule (NIIS) contract.

Notices of intent not to renew contracts awarded under the NIIS shall be given to the contractor by letter not less than 30 calendar days prior to expiration of the contract. Contractors should also be advised of the reasons for the Government's decision not to renew. A copy of the notice not to renew shall be forwarded to the Director, Business Services Centers Staff (FI), and to the Regional Director of Business Affairs of the region in which the NIIS application (GSA Form 1171) originated. These copies shall be annotated in the upper right hand corner with the regional control number under which the application was submitted, e.g., R1–76–1.

§ 5A–73.507–4 Processing of contracts being renewed.

(a) In requesting approval of award of a contract, GSA Form 1535, "Request for approval of Awards", shall be used in the same manner as in the case of a new contract. (See § 5A–1.375.) Completion of the price analysis portion of that form shall be given particular attention. The contract number for the renewed contract shall remain the same as the contract being renewed.

(b) Agencies shall be notified of renewal periods and of any other contract modifications by issuance of cumulative Federal Supply Schedules or amendments. Cumulative schedules and amendments shall be given the same distribution as the original schedule.

§ 5A–73.508 Processing of requirements in excess, or below, Maximum Order Limitations (MOL).

(a) *Requirements in excess of a schedule's MOL.* Requirements in excess of a schedule's MOL shall be procured by the procuring activity which awarded the schedule contract, with the exception of those requirements identified in (1) and (2), below. When forwarding a requisition for excess requirements which will require procurement by negotiation, the forwarding regional activity shall ensure that the requisition is accompanied by the agency justification statement in accordance with FPMR 101–26.105.

(1) Exigency requirements. These requirements may be procured by the servicing region (after coordination with the nationally assigned contracting officer) in order to preclude delays incident to the referral of such requirements.

(2) Requirements from the Agency for International Development (AID). These requirements shall be forwarded to the Special Programs Division (FPZ) for procurement.

(b) *Requirements below an MOL.* Agency requirements for schedule items in quantities less than the MOL shall not be processed by an FSS procuring activity except when:

(1) The requiring activity is a mandatory user and does not have authority or trained personnel or facilities necessary to issue purchase or delivery orders.

(2) The requiring activity submits a requisition for purchase which combines schedule items and stock items or other program items in such a manner that:

(i) Extracting and returning a listing of schedule items to the requisitioning activity for their purchase action would not be justifiable because of the time and expense involved, or

(ii) The delay caused by returning a requisition would cause serious supply difficulties.

(3) Special purchasing programs authorize placing of schedule orders for another agency.

§ 5A–73.509 Administration of Price Reductions clause.

The procuring activity issuing the schedule is responsible for establishing controls to ensure submittal by the contractor of the certification statement required by the Price Reductions clause prescribed in § 5A–73.217–5.

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended to delete §§ 5A–76.102, 5A–76.103, 5A–76.303, 5A–76.315, and 5A–76.319; to change the titles of §§ 5A–76.402, 5A–76.403, and 5A–76.404; and to add new entries as follows:

Sec.

5A–76.327 Format for Federal Supply Schedules.

5A–76.328 Format for Federal Supply Schedule Index of Contents.

Sec.
5A-76.329 Format for cover page of Federal Supply Schedules.
5A-76.330 Format for cover page of cumulative Federal Supply Schedule.
5A-76.331 Format for Notice to Ordering Offices—Federal Supply Schedules.
5A-76.402 Stock, nonstock, and Federal Supply Schedules.
5A-76.403 Service contracts.
5A-76.404 U.S. Forest Service special items.
5A-76.405 Procurement for AID.

NOTE.—Copies of the forms illustrated in Part 5A-16 and copies of the exhibits shown in Part 5A-76 are filed with the original document.

(Sec. 250(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date: These regulations are effective on the date shown below.

Dated: June 25, 1976.

WALLACE H. ROBINSON, Jr.,
Commissioner, Federal Supply Service.

[FR Doc.76-19131 Filed 6-29-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-9, Notice 04]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Used Components in Trailer Manufacturing

This notice amends § 571.7 of Title 49 of the Code of Federal Regulations by adding a new paragraph that specifies the conditions under which a trailer assembled from new and used components will be considered used for the purposes of the motor vehicle safety standards, associated regulations, and the National Traffic and Motor Vehicle Safety Act.

The National Highway Traffic Safety Administration (NHTSA) proposed the new paragraph (40 FR 58154, December 15, 1975) in response to petitions from two trailer manufacturers to modify the existing NHTSA opinion of what constitutes the "manufacture" of a motor vehicle under the National Traffic and Motor Vehicle Safety Act (the Act) (15 U.S.C. § 1381, et seq.). The Act authorizes the issuance of motor vehicle safety standards and prohibits, among other things, the manufacture of a motor vehicle on or after the date any applicable standard takes effect unless the vehicle conforms to the standard, and is so certified (15 U.S.C. 1397(a)(1)(A), 1403). Until now, the agency generally has distinguished "manufacture" from rebuilding by requiring retention of at least the chassis to constitute a rebuilding operation. In the case of trailers, the chassis consists of the running gear and main frame members.

A running gear assembly is the axle or axles, wheels, suspension and related components that support the frame and upper portions of the trailer. Since implementation of Standard No. 121, *Air Brake Systems* (which applies to the manufacture of most air-braked trailers), it has been impractical to certify a trailer manufactured from new components and a used running gear, because the used running gear is not designed to satisfy the requirements of the standard. Because many trailers do not have distant "main frame members", rebuilding without recertification also has been difficult. Recently the NHTSA eased the requirements for rebuilding trucks by an amendment that permits the use of "glider kits" in truck assembly without recertification under most circumstances.

With a view to further reducing the costs of Standard No. 121 without compromising safety, the agency tentatively concluded that reuse of trailer running gear assemblies was justified to the degree that they were reutilized in the past. To safeguard against evasion of the safety standards, the agency proposed an 8-year limit on the use of running gear assemblies for rebuilding operations. Additionally, it was proposed that a rebuilt trailer must be sold to the original owner under its original identity to prevent large-scale evasion of the standard by parties who might attempt to recycle old, unreliable equipment that would normally be junked.

The comments filed by trailer manufacturers and users uniformly supported the general nature of the revision. The Truck Trailer Manufacturers Association (TTMA) disagreed with the proposal, arguing that the agency's restriction on rebuilding should be somewhat stricter concerning increases in volumetric capacity (stretching) tank trailers. Fruehauf Corporation suggested a 4-year limit on rebuilding while others suggested a 10- or 12-year limit. Atlantic Container Line recommended a 15-year limit. The American Trucking Associations (ATA) considered the 8-year limit and the requirement for retained identity to be unworkable in view of current industry practices. Several commenters suggested a limit on rebuilding based on a percentage of the value of a comparable new trailer. Firestone stated that an 8-year limit on reuse of wheels and rims had no basis in safety. The National Motor Vehicle Safety Advisory Council did not take a position on the proposal.

The Agency has considered each of the comments and concludes that trailer rebuilding can be somewhat expanded without interfering with the mandate of the Act that each vehicle "manufactured" on or after the effective date of an applicable standard must comply with it and be so certified. The cautionary approach of the TTMA appears to be limited to the potential hazards of increasing volumetric capacity of tank trailers, particularly those hauling hazardous materials. The NHTSA is not advocating unsafe rebuilding of truck trailers by this amendment, and relies on regulations of the Department of Transportation's Bureau of Motor Carrier Safety and Office of Hazardous Materials (49 CFR Parts 177, 178, 397) to specifically address safety of tank-type highway vehicles.

The agency proposed an 8-year limit on the rebuilding of trailers to prevent significant evasion of applicable safety standards by repeated reuse of a running gear assembly. The 8-year limit was suggested by the trailer manufacturer that petitioned for the proposed change. Comments generally stressed the difficulty in establishing a realistic approximation of trailer life, particularly in the case of "piggyback" or container chassis trailers where yearly highway mileage is low.

Practices for rebuilding trailers vary so significantly that the agency concludes that an age limit would not permit the legitimate reutilization of running gear assemblies that existed prior to the implementation of Standard 121. Therefore, the agency has withdrawn the age criterion for reuse of running gear assemblies.

The ATA along with a number of trucking companies such as Interway Corporation, Glendenning, and I&S McDaniel objected to the proposed requirement that the reassembled vehicle keep the identity of the vehicle from which the running gear was taken. Glendenning claims that such would restrict a user's flexibility to meet existing needs. I&S McDaniel said such a criterion would greatly reduce its flexibility in rebuilding trailers to different specifications. The Interway Corp. pointed out the warranty, parts replacement, and repair problems associated with maintaining a trailer rebuilt by one company but identified as being built by another company.

The agency has considered the problems of maintaining every aspect of vehicle identity in the process of rebuilding. It is concluded that the requirement for use of the identification number of the existing vehicle in the reassembled vehicle will alone serve adequately to prevent avoidance of manufacturing responsibilities for newly manufactured vehicles. Therefore, the requirement for retention of identity is withdrawn with the exception of a requirement for continued use of the trailer's Vehicle Identification Number.

The third proposed restriction on rebuilding would require that the owner or lessor of the existing trailer also be the owner or lessor of the rebuilt trailer. The owner or lessor of the trailer in this case is the party who utilizes the trailer in its own operations and not someone who has bought the trailer simply to have it rebuilt for sale. Little comment was received on this restriction, and it appears to accord with the economic considerations underlying trailer rebuilding. Therefore, the restriction is made final as proposed. The agency considers that this limit and the requirement to continue a vehicle's VIN should adequately discourage rebuilding simply to avoid safety standards. The NHTSA can monitor the amount of rebuilding by means of its investigative authority under § 112 of the Act (15 U.S.C. § 1401) and can take action if evasion of the standards occurs.

Firestone Corporation assumed that the effect of the change would be that trailer rims and wheels could only be used for the period of the proposed restriction, and that the agency might be advocating reuse of wheels and rims for 8 years whatever their condition. Actu-

ally, the agency in no way intends to modify safe maintenance and operation practices by its action. Substitution of new components or reuse of old components is not advocated or discouraged by this action. In response to several suggestions that "frame attachment components" should not be mentioned in the description of a running gear assembly for fear that persons might reuse damaged attachment hardware, the reference has been deleted.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA herewith publishes its evaluation of the economic and other consequences of this proposal on the public and private sectors, including possible loss of safety benefits. In this case the change permits trailer users to continue their present practice of utilizing useable running gear in rebuilding of their trailers. It is therefore calculated that there are no new costs to the trucking industry associated with the change. It is anticipated that the benefits derived from the new braking systems will be delayed in the case of rebuilt trailers for a limited period.

In consideration of the foregoing, 49 CFR Part 571.7 is amended by adding a new paragraph (f) to read as follows:

§ 571.7 Applicability.

* * * * *

(f) *Combining new and used components in trailer manufacture.* When new materials are used in the assembly of a trailer, the trailer will be considered newly manufactured for purposes of paragraph (a) of this section, the application of the requirements of this chapter, and the Act, unless, at a minimum, the trailer running gear assembly (axle(s), wheels, braking and suspension) is not new, and was taken from an existing trailer—

(1) Whose identity is continued in the reassembled vehicle with respect to the Vehicle Identification Number; and

(2) That is owned or leased by the user of the reassembled vehicle.

Effective date: July 1, 1976. Because this amendment creates no additional requirement for any person, and to permit trailer rebuilding in cases where it has been impractical in the past, it is found that an immediate effective date 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 23, 1976.

ROBERT L. CARTER,
Acting Administrator.

[FR Doc.76-18965 Filed 6-30-76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 286—AVAILABILITY TO THE PUBLIC OF DEPARTMENT OF DEFENSE INFORMATION

Miscellaneous Amendment

The following miscellaneous amendment has been authorized to Part 286, pending a complete revision of this Part in the near future. The authority for publication of this amendment is 5 U.S.C. 552, as amended by Pub. L. 93-502. Part 286 is revised as follows:

Delete the present 286.2 "Cancellation" and 286.5 "Availability of Records" in both the section outline and the text, and renumber the sections in the outline and text to read as follows:

Sec.
286.1 Purpose.
286.2 Applicability and scope.
286.3 Policy.
286.4 Exemptions.
286.5 Responsibilities.
286.6 Implementation.
286.7 Effective date.
286.8 Uniform agency fees for search and duplication under the freedom of Information Act Amendments, P.L. 93-502.
286.9 Inspection and copying of opinions, orders and manuals.
286.10 Identification and marking "FOR OFFICIAL USE ONLY."
286.11 Release procedures.
286.12 Judicial action.
286.13 Reporting requirement.
286.14 Release and authentication of copies of official records.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 29, 1976.

[FR Doc.76-19166 Filed 6-30-76;8:45 am]

PART 296—PUBLICATIONS OF PROPOSED AND ADOPTED REGULATIONS AFFECTING THE PUBLIC

Miscellaneous Amendment

The following miscellaneous amendment has been authorized to Part 296, pending a complete revision of this Part in the near future. The authority for publication of this amendment is 10 U.S.C. 125. Part 296 is revised as follows:

Delete the present 296.2 "Cancellation" in both the section outline and the text, and renumber the sections in the outline and text to read as follows:

Sec.
296.1 Purpose.
296.2 Applicability and scope.
296.3 Policy.
296.4 Proposed regulations.
296.5 Publication in the FEDERAL REGISTER of adopted regulations and other matters.
296.6 Petitions.
296.7 Effective date and implementation.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 29, 1976.

[FR Doc.76-19279 Filed 6-30-76;8:45 am]

PART 297—OFFICE OF THE SECRETARY OF DEFENSE/ORGANIZATION OF THE JOINT CHIEFS OF STAFF IMPLEMENTATION OF THE DEPARTMENT OF DEFENSE FREEDOM OF INFORMATION PROGRAM

The Deputy Secretary of Defense approved Part 297. This Part 297 implements the provisions of 32 CFR 286 pursuant to Title 5, United States Code, Section 552, as amended by P.L. 93-502, assigns responsibilities, and sets forth procedures for the effective administration of the Freedom of Information Program within the Office of the Secretary of Defense including the Organization of the Joint Chiefs of Staff.

Sec.
297.1 Purpose.
297.2 Applicability and scope.
297.3 Policy.
297.4 Responsibilities and functions.
297.5 Procedures.
297.6 Effective date.

AUTHORITY: 5 U.S.C. 552, as amended by P.L. 93-502.

§ 297.1 Purpose.

This Part implements the provisions of 32 CFR 286 pursuant to Title 5, United States Code, Section 552, as amended by P.L. 93-502, assigns responsibilities, and sets forth procedures for the effective administration of the Freedom of Information Program within the Office of the Secretary of Defense, including the Organization of the Joint Chiefs of Staff.

§ 297.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense (Director, Defense Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent), the Organization of the Joint Chiefs of Staff, and other activities assigned to OSD for administrative support (hereinafter referred to collectively as "OSD Components").

(b) The provisions of this Part apply to the release of records to the general public and are not applicable to requests from Members of Congress, the General Accounting Office, and other Federal, State and local governmental organizations.

§ 297.3 Policy.

(a) It is the policy of the Department of Defense, consistent with the letter and spirit of Title 5, U.S.C., Section 552, the Freedom of Information Act, to make available to the public the maximum amount of information concerning its operations and activities.

(b) Unclassified information, documents and forms which have heretofore been provided to the public as part of normal service will continue to be made available in accordance with previously established criteria.

(c) Authority to deny an initial request for a record resides in the heads of OSD Components.

(d) Materials required by the Freedom of Information Act for public inspection will be maintained, published, and made available in a public reading room located in Room 2C757, the Pentagon.

(e) Fees will not be charged for access by the public to the public reading room or to the records provided for inspection therein, but fees in accordance with a schedule published in the FEDERAL REGISTER may be charged for furnishing copies.

§ 297.4 Responsibilities and functions.

(a) *The Assistant Secretary of Defense (Public Affairs) shall:* (1) Direct and administer the Department of Defense Freedom of Information Program for OSD Components.

(2) Establish standards and procedures to assure compliance with and implementation of Title 5, United States Code, Section 552, as amended by P.L. 93–502 and 32 CFR 286.

(3) Develop and submit the consolidated OSD Component Annual Report as required by Title 5, United States Code, Section 552, as amended by P.L. 93–502 and 32 CFR 286.

(4) Serve as the central contact office for the receipt of all requests for records from OSD Components.

(5) Forward requests for records from the public to the OSD Component having proprietary responsibility for the record, and maintain records control procedures that insure action within time limits established in Title 5, United States Code, Section 552, as amended by P.L. 93–502.

(6) Respond to requesters and collect for deposit with the Assistant Secretary of Defense (Comptroller) fees entailed in the search and reproduction of records.

(7) Establish a facility where the public may inspect and copy records as provided for in 32 CFR 286.

(8) Provide for educational programs on the requirements and implementation of the Freedom of Information Act.

(9) Evaluate and decide, in coordination with the General Counsel, appeals from denial of records by OSD Components.

(10) Maintain data on Freedom of Information activity in a format that meets the requirements of 32 CFR 286.15 and in a manner that affords rapid retrieval.

(b) *The Assistant Secretary of Defense (Comptroller) shall.* (1) Maintain, publish, and make available for public inspection current OSD Component indices of materials as required by Title 5, United States Code, Section 552, as amended by P.L. 93–502.

(2) Coordinate and arrange for information to be published in the FEDERAL REGISTER pursuant to Title 5, United States Code, Section 552, as amended by P.L. 93–502, 32 CFR 286 and 296.

(c) *The General Counsel shall.* (1) Coordinate, as appropriate, with the Department of Justice on all final denials of appeals for requests for records when litigation is likely.

(2) Provide advice and assistance to the ASD(PA) as may be required in the discharge of his appellate responsibilities.

(d) *Heads of OSD Components shall.* (1) Designate the official authorized to deny initial requests for records and designate an office as the point-of-contact for Freedom of Information matters.

(2) Provide to the ASD(PA), when the request for a record is granted, a copy of the record and a statement of search and reproduction charges.

(3) Provide to the ASD(PA), when a record is denied in whole or in part, the justification for denial.

(4) Provide to the ASD(C) quarterly updates of indices as required by 32 CFR 286.11.

(5) Coordinate with the Office of the General Counsel on all proposed denials of records.

(6) Consult with other OSD and DOD Components which have a significant interest in the requested record prior to a final determination. When consultation with an agency outside DOD is appropriate because of their interest in the requested record, a procedure for effecting that consultation shall be developed in cooperation with the ASD(PA).

(7) Refer cases to the ASD(PA) for review and evaluation when the issues raised are of unusual significance, precedent setting, or otherwise require special attention or guidance.

(8) Provide the record to the ASD(PA), when the initial denial of such record has been appealed by the requester, or at the time of initial denial when appeal seems likely.

(9) Establish procedures to mark record copies and notify holders of classified records that have been declassified as a result of review under this program.

(10) Instruct employees, who act in Freedom of Information matters, in the provisions of this Part and 32 CFR 286.

§ 297.5 Procedures.

(a) *General.* A request for a record under the Freedom of Information Act may be denied only upon determining that:

(1) The record is subject to one or more of the exemptions set forth in 32 CFR 286.5, and a significant and legitimate governmental purpose is served by withholding.

(2) The record cannot be found because it has not been described with sufficient particularity to enable a responsible authority to locate it with a reasonable amount of effort.

(3) The requester has unreasonably failed to comply with the procedural requirements imposed by this Part.

(b) *Instructions to a Requester.* A request for a record from an OSD Component can be made in person or in writing.

(1) Indices of current records will be made available for public inspection in Room 2C757, the Pentagon, between 9 a.m. and 4 p.m., except weekends and Government holidays. Persons not authorized access to the Pentagon will be escorted to the public reading room and will not be permitted to visit other areas of the building.

(2) Copies of records which are listed in these indices will be provided upon payment of any search and copying fees. A copy of the standard schedule of fees previously published in the FEDERAL REGISTER will be posted in the public reading room. Checks are payable to the Treasury of the United States.

(3) A written request for a record should be addressed to: Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301. The record should be described as completely as possible to facilitate its retrieval from the gross file of Defense Department records and to reduce search fees, which may be borne by requester.

(4) A requester will state his intention to pay fees that may be charged for search and reproduction of a record. Time spent to assure willingness to pay fees will be in addition to the time allotted to provide a record.

(5) A record will not be released prior to receipt of fees. Failure to pay fees may be cause not to accept a subsequent request for a record from the same person.

(6) Not more than ten working days after notification that a request has been accepted, normally the requester will be notified that his request has been granted or denied. In unusual circumstances, however, such notification may convey that additional time, not to exceed ten working days, is required to make a determination.

(7) Notification of denial will cite the exemption under which the request was denied, will detail the supporting reasons, will identify the denial authority, and will set forth the course of action to be followed for an administrative appeal.

(8) Administrative appeals of initial denials should be addressed to: Assistant Secretary of Defense (Public Affairs), ATTN: Freedom of Information Appeal Board, Pentagon, Washington, D.C. 20301. Such an appeal should offer justification for a reversal of the initial denial.

(9) Not more than twenty working days after notification that an administrative appeal has been accepted, normally the requester will be notified that his appeal has been sustained or denied. In unusual circumstances, however, such notification may convey that additional time, not used in an extension of time to respond to the initial request and not to exceed ten working days, is required to make a determination.

(10) Notification of a final denial will cite supporting reasons, will set forth a course of action that may be followed to

seek judicial relief, and will be signed by the official exercising final denial authority.

(c) *Instructions to OSD Components.* The Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (Public Affairs), hereinafter referred to as the Directorate, will be the office of record and point of contact for OSD Components in matters pertaining to the Freedom of Information Act.

(1) The Directorate will deliver a request for a record to the OSD Component having proprietary responsibility. Redirect without delay any request for a record that originates from a source other than the Directorate.

(2) A request for a record will be delivered to the office of contact, together with a letter of instruction and a cover sheet. The cover sheet, of distinctive design and overprinted with instructions vital to Freedom of Information requests, *will not* be separated from the request packet to which it is attached.

(3) A request for a record from the Directorate may not be declined, except, when proprietary responsibility is challenged, it may be returned by a memorandum signed by the denial authority which fixes the proprietary responsibility with a specific OSD Component or other agency of the government. A lack of specificity by the requester that suggests records of other components or agencies may also fit the broad category of the request, will not be sufficient cause to challenge proprietary responsibility.

(4) A suspense will be assigned to each request that must be met by either a decision to grant the request in whole or in part, a decision to deny, or by a petition from the denial authority stating the specific number of additional days required and the reason, provided such petition is made to the Directorate three working days prior to the suspense. Extension of time will be granted on a case by case basis depending upon the ability to justify "unusual circumstances," and will normally not exceed five working days.

(5) When a request is granted a copy of the record and a completed statement of fees will be delivered to the Directorate. When a copy of the record cannot be made available in the time allotted, a statement explaining the delay and establishing the date of its availability will accompany the statement of fees. In every case where a request for a record is granted, a statement of fees will be provided in the time allotted.

(6) When a request is denied in part, an excised copy of the record, a statement of fees, and a letter explaining the reasons for denial and summarizing the coordination/consultation history, will be delivered to the Directorate. When denial is based on classification in the interest of national defense or foreign policy, the explanation shall convey that a current review of the record supports continued classification according to the criteria and rationale of DoD Regulation 5200.1-R[1] for *specifically stated reasons* that logically support those specific criteria and rationale *in the context of the record.* Letters of denial will be signed by the denial authority.

(7) When a record is denied in its entirety, all procedures set out in subparagraph (6) of this paragraph apply except, a statement of fees and a copy of the record are not provided.

(8) Cases referred to the Directorate in accordance with § 297.5(d)(7), will be transmitted by memorandum establishing the unusual or precedent setting conditions. Unless notified to the contrary, Public Affairs review and evaluation action will *not* relieve the OSD Component of any responsibility to reach an initial decision in the time originally allotted. Public Affairs action will, however, be accomplished so as to provide timely recommendation and guidance.

(9) Components are urged to use the direct lines of communication that have been established by the formation of OSD Component offices to focus on Freedom of Information matters and the Directorate for Freedom of Information. Early in the time allotted, any problems associated with a request that contact with the requester or agencies outside the DoD might resolve, should be presented to the Staff Director, Directorate for Freedom of Information. Direct contact between OSD Components and requesters, or between OSD Components and agencies outside the DOD, is not authorized.

§ 297.6 Effective date.

This Part is effective February 19, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 29, 1976.

[FR Doc.76-19167 Filed 6-30-76;8:45 am]

[1] Filed as part of original.

Title 7—Agriculture

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

[Valencia Orange Reg. 534]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 2-8, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.834 Valencia Orange Regulation 534.

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

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to show strength but is expected to ease somewhat immediately prior and subsequent to the holiday weekend. Prices f.o.b. for the week ending June 24 were $3.45 a carton on 606 cars as compared with $3.51 per carton on 588 cars during the prior week. Track and rolling supplies at 372 cars were up 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; in-

terested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 2, 1976, through July 8, 1976, are hereby fixed as follows:

(i) District 1: 248,000 cartons;

(ii) District 2: 302,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: June 30, 1976.

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

[FR Doc.76–19332 Filed 6–30–76;11:24 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 134]

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Western Colorado marketing area.

After consideration of all relevant material, it is hereby found and determined that for the months of June, July and August 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1134.12(a), "from whom not less than 3 days' production was received during the month at a pool plant. The total quantity of milk so diverted may not exceed 60 percent in the months of March, April, May, June, July, August, and 30 percent in other months of its member-producer milk received at pool plants during the month."

STATEMENT OF CONSIDERATION

This suspension removes the diversion requirements applicable to cooperative associations specifying that at least 3 days' production of a member must be received as a condition of diverting milk of such member and that the total quantity of milk diverted by a cooperative may not exceed 60 percent of its member-producer milk received at pool plants during the month. The action is requested by Western Colorado Milk Producers Association which represents all of the producers delivering milk to handlers fully regulated under the Western Colorado milk order.

The removal of the 3 days' production delivery requirement will allow a cooperative to effect a savings in hauling costs by permitting the cooperative to divert, without limit the milk of those member-producers located nearest to nonpool plants with available manufacturing capacity. The removal of the 60 percent limit is necessary to insure that all of the milk presently associated with the Western Colorado market continues to share equitably in the total pool proceeds of that market. Without the suspension the milk diverted in excess of the 60 percent limit would lose producer milk status under the Western Colorado order. Any of such milk which was moved to and physically received at a pool plant(s) under another order would acquire producer milk status under such other order, notwithstanding the fact that the movement was intended as a diversion of producer milk under the Western Colorado order. As a consequence, such milk would be priced and pooled as producer milk under an order other than the Western Colorado order with which such milk has been traditionally associated. This would have the effect of passing to an other order market the burden of handling the excess supplies for the Western Colorado market. The result would be an unwarranted increase in uniform prices to producers under the Western Colorado order and a decrease in the blend prices to producers in that market in which the Western Colorado surplus milk is disposed of for manufacturing uses. Such result would be contrary to the purposes and intent of the Act in insuring stable and orderly conditions for marketing milk in Federal milk marketing areas.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension will have no adverse effect on other producers or handlers in the market because the cooperative requesting the suspension markets the milk of all producers under this order.

Therefore, good cause exists for making this order effective July 1, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of June, July and August 1976.

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

Effective date: July 1, 1976.

Signed at Washington, D.C., on June 28, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–19127 Filed 6–30–76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Cooperative Marketing Associations, Requirements for Price Support Eligibility, Amendment 4]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support; Miscellaneous Amendments

The regulations issued by the Commodity Credit Corporation and published at 33 FR 13024, 39 FR 27313 and 40 FR 49788, which set forth specific eligibility requirements for cooperative marketing associations desiring to participate in authorized price support programs are amended as follows:

1. The table appearing in paragraph (a) of section 1425.3, which contains a list of commodities and final dates for submission by cooperative marketing associations of applications for approval to obtain price support thereon, is amended by adding the following item:

§ 1425.3 Application.

* * * * *

Commodity	*Date*
Soybeans	Sept. 1

* * * * *

2. Section 1425.13 is amended to clarify the requirements for handling commodities stored on a commingled basis and commodities stored on an identity-preserved basis. The revised section reads as follows:

§ 1425.13 Eligible commodity and pooling.

(a) *Commingled commodity.* The cooperative may obtain price support on a quantity of commodity not to exceed the quantity of eligible commodity received from eligible members when such commodity is stored commingled in approved warehouses.

(b) *Identity preserved.* The cooperative may obtain price support only on the quantity of the eligible commodity received from eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase when such commodity is stored identity preserved.

(c) *Pools.* The cooperative may establish separate pools as needed for quantities of a commodity acquired from members. If the cooperative obtains price support from CCC on any quantity of commodity included in a pool, all of the commodity included in such pool must be eligible for price support, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or, in the case of cotton, bale weight or being repacked. Whether pooled or not, the commodity offered for price support must:

(1) Have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(2) Meet the eligibility requirements for making price support available to the cooperative under applicable price support program regulations; and

(3) Have been delivered to the cooperative for marketing for the benefit of producer members or by member cooperatives in behalf of their producer members.

(d) *Allocation of costs and expenses.* If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices.

(e) *Assessing losses.* Any losses incurred by the cooperative in marketing a commodity on which price support is not obtained from CCC shall not be assessed against the proceeds of marketing of a commodity on which price support was obtained.

(f) *Exception.* CCC may approve an exception to the foregoing requirements upon written request by a cooperative if the Executive Vice President, CCC, or his designee determines that the approval of such request will result in equitable treatment of members and is in accord with the purposes of the price support program.

3. Section 1425.17 is amended to clarify the recordkeeping requirements for acquisitions and dispositions of the commodity. The revised section reads as follows:

§ 1425.17 Records maintained.

(a) *Acquisitions.* An approved cooperative, and its member cooperatives, described in paragraph (a) of § 1425.15, if any, shall maintain a record which shows the quantity of commodity which is received from each of its members and nonmembers, the eligibility status for price support of each such quantity, the date(s) and place(s) the commodity was received, the quality factors specified in the applicable regulations for the commodity (including class, grade and quality where applicable), and the quantity to which each applicable quality factor applies.

(b) *Dispositions.* The cooperative shall maintain a record of the quantity of each disposition of an eligible or ineligible commodity and the price received.

Since these are administrative changes made for the purpose of clarifying the intent of the regulations and will have no effect on program operations, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and (c)).

Effective date. July 1, 1976.

Signed at Washington, D.C., on June 24, 1976.

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

[FR Doc.76-19038 Filed 6-30-76;8:45 am]

PART 1427—COTTON

Standards for Approval of Warehouses for Cotton or Cotton Linters; Revision of Regulations

The only substantive change under this revision is the elimination of the restrictive requirement for performance bonds or other security covering the obligations of warehousemen storing and handling cotton under Commodity Credit Corporation programs. Accordingly, it is determined that compliance with the notice of proposed rulemaking procedures is unnecessary and contrary to the public interest.

The regulations appearing in this subpart, which were published on March 6, 1969 (34 FR 4882), amended on June 16, 1972 (37 FR 11967) and February 11, 1974 (39 FR 5185), are revised to read as follows:

Sec.

1427.1081 General statement and administration.
1427.1082 Basic standards.
1427.1083 Bonding requirements for net worth.
1427.1084 Examination of warehouses.
1427.1085 Exceptions.
1427.1086 Approval of warehouses; requests for reconsideration.
1427.1087 Exemption from requirements.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended, (15 U.S.C. 714b).

§ 1427.1081 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by Commodity Credit Corporation (hereinafter referred to as "CCC") of his warehouse(s) for the storage and handling, under CCC storage agreements, of cotton and cotton linters which are owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to cotton or cotton linters purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the applicable storage agreement and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas, 66208 (hereinafter referred to as the "Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Prairie Village Office:

(1) A completed Form CCC-49, "Application for Approval of Warehouse for Storage of Cotton and/or Cotton Linters."

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) A sample copy of his warehouse receipts and bale tags.

(4) Evidence of applicable fire insurance rates.

(5) Evidence that he is licensed by the appropriate licensing authority as required under § 1427.1082(b)(2) and such other documents or information as CCC may require.

§ 1427.1082 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage and handling of cotton or cotton linters under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chap-

ter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing for hire the commodity involved. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) Have a net worth equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total number of bales of cotton or cotton linters which the warehouse can accommodate when stored in the customary manner) times five (5) dollars per bale, except that the net worth shall be not less than $10,000 and need not be more than $100,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security meeting the requirements of § 1427.1083.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage agreement with CCC.

(6) Maintain complete inventory and operating records.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to the commodities involved to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operation shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve the commodity involved.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to provide adequate storage and handling service.

§ 1427.1083 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department, and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Such bond shall be on Form CCC-54, "Warehouseman's Bond", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) it is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1427.1084 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage and handling of cotton or cotton linters and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1427.1085 Exceptions.

Notwithstanding any other provision of this subpart:

(a) The financial, bond, warehouse receipt and bale tag, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is licensed under the U.S. Warehouse Act for such commodity but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) The bond requirements, and, at the discretion of the Prairie Village Office, the financial, warehouse receipt, and bale tag requirements, of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is operated by the State of South Carolina Department of Agriculture.

(c) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1427.1082(b)(1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth.

(d) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity involved, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interest.

§ 1427.1086 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage agreement expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage agreement.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1427.1082(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for sus-

pension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1427.1082, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of Chapter VII of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1427.1082(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1427.1087 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for cotton or cotton linters under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

Effective date: This revision shall be effective on July 1, 1976.

Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

Signed at Washington, D.C., on June 24, 1976.

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

[FR Doc.76-19036 Filed 6-30-76;8:45 am]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Tobacco Loan Program

1976 CROP FLUE-CURED TOBACCO, LOAN RATE SCHEDULE

On June 4, 1976, there was published in the FEDERAL REGISTER (41 FR 22580) a notice of proposed rule making setting forth the proposed price support grade loan rates for 1976 crop flue-cured tobacco. Interested parties were given the opportunity to submit, not later than June 21, 1976, data, views and recommendations pertaining to the grade loan rates.

Eight responses were received pursuant to the notice. Two recommended adoption of the loan rate schedule as proposed. Another, stated the belief that the proposed loan rates are too high to be in the best interest of the industry. The proposed rates, however, provide support at the level required by law. Another stated the belief that the rates proposed for the mixed group of grades are too low. As these grades have been added to the official grade standards since the last marketing season, there is no precise information available regarding the market value of such grades. It is generally known however, that a lot of tobacco consisting of tobacco from three or more groups or two distinctly different groups (which is the basis for grading as mixed grades) has substantially less value than it would have if the tobacco from the different groups was sorted into separate lots. Most buyers who provide information relating to the manner in which tobacco should be prepared for market so as to maximize farmers' returns stress the importance of avoiding the mixing of tobacco from the different groups. Most export buyers indicate that the mixing of the grade groups drastically reduces the saleability of the tobacco in foreign markets. Based on such information, it is believed that the proposed rates for the mixed group of grades reasonably reflect their value in relation to the rates proposed for the other grades.

The other responses stated the belief that the loan rates proposed for grades for which there is strong export demand are too high in relation to the loan rates proposed for grades for which there is less export demand. Generally, the overall demand is weak for the grades for which the export demand is limited. The last two marketing seasons clearly demonstrate that the quantity of such grades offered for sale will be purchased at prices which are substantially lower than those being paid for grades which are in strong demand by both export and domestic buyers. It is believed the proposed rates reflect the difference in value, and that less spread between the rates for the two groups of grades would result in unduly large quantities of the grades in less demand being received under loan with increased possibilities of losses to CCC. The revision of 7 CFR 1464.16 containing the proposed loan rates is hereby adopted without change and is set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423)).

Effective Date: July 1, 1976.

Signed at Washington, D.C. on: June 28, 1976.

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

§ 1464.16 1976 crop—flue-cured tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
A1F	136	B4KV	106	X1F	121
A1L	136	B5KV	102	X2F	117
B1L	126	B6KV	98	X3F	113
B2L	122	B4G	107	X4F	108
B3L	119	B5G	104	X5F	102
B4L	116	B6G	99	X3V	107
B5L	112	B5GR	96	X4V	103
B6L	108	B4GK	104	X4KL	102
B1F	126	B5GK	100	X4KF	102
B2F	122	B6GK	95	X4KV	101
B3F	119	B5GG	91	X3KR	110
B4F	116	H3L	121	X4KR	106
B5F	112	H4L	118	X3KM	107
B6F	108	H5L	114	X4KM	102
B1FR	124	H6L	110	X4G	100
B2FR	120	H1F	128	X5G	95
B3FR	117	H2F	124	X4GK	99
B4FR	114	H3F	121	P2L	103
B5FR	111	H4F	118	P3L	99
B6FR	107	H5F	114	P4L	96
B4R	106	H6F	110	P5L	91
B5R	100	H4FR	116	P2F	103
B3K	115	H5FR	113	P3F	99
B4K	112	H6FR	109	P4F	96
B5K	109	H4K	114	P5F	91
B6K	105	H5K	111	P4G	87
B3V	114	H6K	107	P5G	81
B4V	110	C1L	125	M4F	104
B5V	106	C2L	122	M5F	100
B3S	111	C3L	119	M4KR	100
B4S	108	C4L	116	M4KM	97
B5S	104	C5L	113	M5KM	94
B3KL	108	C1F	125	M4GK	94
B4KL	105	C2F	122	M5GK	91
B5KL	102	C3F	119	N1L	83
B6KL	98	C4F	116	N1XL	88
B3KF	108	C5F	113	N1K	94
B4KF	105	C4V	111	N1R	85
B5KF	102	C4KL	109	N1GL	77
B6KF	98	C4KM	110	N1GF	86
B3KM	111	C4KR	111	N1GR	81
B4KM	108	C4G	106	N1KV	85
B5KM	105	X1L	121	N1GG	78
B6KM	100	X2L	117	N1PO	72
B3KR	113	X3L	113	N1XO	75
B4KR	110	X4L	108		
B5KR	107	X5L	102		

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G" for "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

[FR Doc.76-19137 Filed 6-30-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 462.1]

PART 1871—CHATTEL SECURITY

Servicing Chattel Security; Miscellaneous Amendment

Section 1871.11 of Part 1871, Title 7, Code of Federal Regulations (36 FR 1110 as amended at 37 FR 17543) is amended. Paragraph (d) of this section is revised to specify that State Supplements may be issued to allow modification of Form FmHA 460-2, "Subordination by the Government." It is not necessary to publish this amendment as a notice of proposed rulemaking inasmuch as it is administrative in nature and does not affect the public's interest.

As amended, § 1871.11(d) reads as follows:

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

* * * * *

(d) *Methods.* Subordinations or lien waivers authorized herein will be made on Form FmHA 460-2, "Subordination by the Government," or on other suitable form approved by the State Director upon the advice of the OGC and Form FmHA 431-2 will be developed as provided in 7 CFR Part 1802. In those States unable to use Form FmHA 460-2, because it does not conform to the State's recordation requirements a State Supplement may be issued, upon approval by OGC, to allow modification of the form so that it may be recorded.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Effective date: This amendment is effective July 1, 1976.

Date: June 9, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-19039 Filed 6-30-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 41]

PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications—Lower Skagit, Kikiallus, Swinomish and Samish Tribes

JUNE 23, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations by adding four new paragraphs designated (w), (x), (y) and (z). The new paragraphs establish requirements for enrollment and a deadline for filing applications for enrollment with the Lower Skagit, Kikiallus, Swinomish and Samish Tribes of Indians.

The purpose of the amendment is to carry out the provisions of the Indian Judgment Fund Act of October 19, 1973 (87 Stat. 466), which requires that plans for the use and distribution of judgment funds awarded Indian Tribes by the Court of Claims or the Indian Claims Commission be submitted to the Congress. Plans for the use and distribution of judgments awarded the Lower Skagit Tribe in Indian Claims Commission docket 294 and the Kikiallus Tribe in docket 263 became effective on February 18, 1975. Plans for the use and distribution of judgments awarded the Swinomish Tribe in docket 233 and the Samish Tribe in docket 261 became effective on December 10, 1975.

The purpose of the amendment is to establish procedures to govern preparation of the rolls and distribution of the judgment funds to eligible members of each tribe.

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 these proposed regulations to the Director, Office of Indian Services, Attention: Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, on or before August 2, 1976.

The four new paragraphs (w), (x), (y) and (z) proposed to be added to § 41.3 of Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(w) *Lower Skagit Tribe of Indians.* (1) All persons of Lower Skagit ancestry born on or prior to and living on February 18, 1975, who are lineal descendants of a member of the tribe as it existed in 1859 shall be entitled to have their names placed on the roll, based on the 1919 Roblin roll and other records acceptable to the Commissioner, to be prepared and used as the basis to distribute the judgment funds awarded the Lower Skagit Tribe in Indian Claims Commission docket 294. Proof of Upper Skagit ancestry will not be acceptable as proof of Lower Skagit ancestry.

(2) Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian affairs, 3006 Colby Avenue, Everett, Washington 98201, and must be received by close of business six months from the date of publication of the final regulations in the FEDERAL REGISTER. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Payment of shares will be made in accordance with Parts 60 and 104 of this chapter.

(x) *Kikiallus Tribe of Indians.* (1) All persons of Kikiallus ancestry born on or prior to and living on February 18, 1975, who are lineal descendants of a member of the tribe as it existed in 1859 shall be entitled to have their names placed on the roll, based on the 1919 Roblin roll and other records acceptable to the Commissioner to be prepared and used as the basis to distribute the judgment funds awarded the Kikiallus Tribe in Indian Claims Commission docket 263.

(2) Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian Affairs, 3006 Colby Avenue, Everett, Washington 98201, and must be received by close of business six months from the date of publication of the final regulations in the FEDERAL REGISTER. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Payment of shares will be made in accordance with Parts 60 and 104 of this chapter.

(y) *Swinomish Tribe of Indians.* (1) All persons of Swinomish ancestry born on or prior to and living on December 10, 1975, who are lineal descendants of a member of the tribe as it existed in 1859 shall be entitled to have their names placed on the roll, based on the 1919 Roblin roll and other records acceptable to the Commissioner, to be prepared and used as the basis to distribute the judgment funds awarded the Swinomish Tribe in Indian Claims Commission docket 233.

(2) Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian Affairs, 3006 Colby Avenue, Everett, Washington 98201, and must be received by close of business six months from the date of publication of the final regulations in the FEDERAL REGISTER. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Payment of shares will be made in accordance with Parts 60 and 104 of this chapter.

(z) *Samish Tribe of Indians.* (1) All persons of Samish ancestry born on or prior to and living on December 10, 1975, who are lineal descendants of a member of the tribe as it existed in 1859 shall be entitled to have their names placed on the roll to be prepared and used as the basis to distribute the judgment funds awarded the Samish Tribe in Indian Claims Commission docket 261.

(2) Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian Affairs, 3006 Colby Avenue, Everett, Washington 98201, and must be received by close of business six months from the date of publication of the final regulations in the FEDERAL REGISTER. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Payment of shares will be made in accordance with Parts 60 and 104 of this chapter.

No further changes are proposed to be made in the text of Part 41.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-19054 Filed 6-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 440]

[Docket No. 76N-0177]

BENZYLPENICILLOYL-POLYLYSINE INJECTION

Proposed Minimum Shelf-Life Potency

The Food and Drug Administration (FDA) proposes that the antibiotic drug regulations providing for the certification of benzylpenicilloylpolylysine injection should contain requirements for a minimum shelf-life potency for that drug product. This proposal clarifies that the minimum potency throughout the storage period of the drug product is 5.4 x 10^{-5} *M*, which is equivalent to 90 percent

of the labeled content of the drug product. The maximum potency limit that is allowable for the issuance of a certificate is specified in § 440.210(a)(1) (21 CFR 440.210(a)(1)) and would also apply for the maximum shelf-life potency limit. Interested persons have until August 30, 1976, to submit comments.

The Commissioner has 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. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

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 that Part 440 be amended in § 440.210 by revising paragraph (a)(1) to read as follows:

§ 440.210 Benzylpenicilloyl polylysine injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Benzylpenicilloyl-polylysine injection is an aqueous solution of benzylpenicilloyl-polylysine. It contains one or more suitable and harmless buffers. Its benzylpenicilloyl content is satisfactory if it is not less than 5.4×10^{-5} *M* and not more than 7.0×10^{-5} *M*, except that for the issuance of a certificate for a batch, the benzylpenicilloyl content must be not less than 6.4×10^{-5} *M*. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 6.5 and not more than 8.5. The benzylpenicilloyl-polylysine concentrate used conforms to the standards prescribed by § 440.10(a)(1).

* * * * *

Interested persons may, on or before August 30, 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 23, 1976.

JEAN MANSUR,
Acting Assistant Director of Regulatory Affairs.

[FR Doc.76–19026 Filed 6–30–76;8:45 am]

[21 CFR Part 452]

[Docket No. 76N–0199]

ERYTHROMYCIN TABLETS AND ERYTHROMYCIN STEARATE TABLETS

Technical Changes and Updating

The Food and Drug Administration (FDA) is proposing to revise the moisture test method and the moisture limits for erythromycin tablets and erythromycin stearate tablets. Interested persons have until August 30, 1976, to submit comments.

In the antibiotic drug regulations, the Karl Fischer test method for moisture determination in § 436.201 (21 CFR 436.201) is specified for erythromycin tablets in § 452.110a (21 CFR 452.110a) and erythromycin stearate tablets in § 452.135a (21 CFR 452.135a). However, because of chemical interference, this method produces inaccurate test results, particularly with the 500-milligram tablets.

Based on a review of certification data regarding these antibiotic drug products, laboratory testing conducted by FDA, and information from one manufacturer of these products, the Commissioner of Food and Drugs concludes that the loss on drying method in § 436.200(b) (21 CFR 436.200(b)) should be proposed as the method for determining the moisture content of all strengths of erythromycin tablets and erythromycin stearate tablets. In addition, the Commissioner is proposing that moisture limits of 5 percent for erythromycin tablets and 4 percent for erythromycin stearate tablets are more appropriate than the moisture limits of 7.5 percent and 7 percent, respectively, currently specified in the regulations.

The Commissioner is also proposing that provisions for certification of 75-milligram and 100-milligram strengths of erythromycin tablets be deleted from § 452.110a to update the current regulation. Requests for certification of these drug products are no longer being received.

The Commissioner notes that a new strength, 500 milligrams of erythromycin per tablet, has recently been approved for marketing. It is his intention that any final regulation based on the proposal below provide for certification of such antibiotic drug product.

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. 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 452 as follows:

1. In § 452.110a by revising paragraphs (a)(1), (a)(3)(i)(*b*), and (b)(2) to read as follows:

§ 452.110a Erythromycin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin tablets are erythromycin with suitable and harmless buffer substances, diluents, binders, lubricants, colorings, flavorings, and suitable preservatives. The potency of each tablet is 250 milligrams of erythromycin. 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. Tablets shall disintegrate within 1 hour. The loss on drying is not more than 5.0 percent. The erythromycin used in making the batch conforms to the standrds prescribed by § 452.10(a)(1), except heavy metals.

* * * * *

(3) * * *

(i) * * *

(*b*) The batch for potency, disintegration time, and loss on drying.

* * * * *

(b) * * *

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

* * * * *

2. In § 452.135a by revising the next to the last sentence of paragraph (a)(1) (setting forth below the last two sentences) and by revising paragraphs (a)(3)(i)(*b*) and (b)(2) to read as follows:

§ 452.135a Erythromycin stearate tablets.

(a) * * *

(1) * * * The loss on drying is not more than 4 percent. The erythromycin stearate used in making the tablets conforms to the standards prescribed by § 452.35(a)(1).

* * * * *

(3) * * *

(i) * * *

(*b*) The batch for potency, loss on drying, and disintegration time.

* * * * *

(b) * * *

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

* * * * *

Interested persons may, on or before August 30, 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 23, 1976.

JEAN MANSUR,
Acting Assistant Director of Regulatory Affairs.

[FR Doc.76–19025 Filed 6–30–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NE-25]

AIRWORTHINESS DIRECTIVES

General Electric Engine Models CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1 Series A & L, CT58-140-1 and CT58-140-2

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to General Electric engine Models CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1 Series A & L, CT58-140-1, and CT58-140-2 when used in external lift operations only. There have been cracks on compressor rear shafts, P/N 4000T29-P01, P/N4000T29P03, P/N4010T54P01, P/N 5013T86P03, or P/N573D384P003, prior to the published life limits, in CT58 model engines used in external lift operations. Since this condition exists in all CT58 engines incorporating these compressor rear shafts, and used in external lift operations, the proposed AD would reduce the cyclic and hourly life limits to prevent possible engine failures. In view of the fact that the total cycles and hours accumulated by engines in external lift operations are significantly below the revised life limits, this airworthiness directive is being published as a Notice of Proposed Rulemaking.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Regional Counsel, Airworthiness, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before August 2, 1976 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GENERAL ELECTRIC COMPANY. Applies to all General Electric Company Model CT58-100-2, CT58-110-2, CT58-140-1 Series A & L, CT58-140-1, and CT58-140-2 turboshaft engines incorporating compressor rear shafts, P/N 4000T29P01, P/N 4000T 29P03, P/N 4010T54P01, P/N 5013T86P03, or P/N 573D384P003, and subject to external lift operation conditions which comprise more than five percent (5%) of the total time recorded on the shaft.

To ensure adequate life limit margin for compressor rear shafts listed above, the cyclic and hourly life limits for these shafts, when used in external lift operations, have been reduced below the figures currently approved. Remove from service the compressor rear shafts prior to exceeding the revised life limits listed below:

Previous life limit	*Revised life limit*
5,200 hrs	3,000 hrs.
9,600 cycles	5,500 cycles

As of the effective date of this AD, shafts which are within 100 hours or 200 cycles of the revised limits, or exceed the revised limits, must be removed within 100 hours time in service or 200 cycles whichever occurs first.

NOTE 1: Operational time in hours is defined as the time from liftoff to touchdown. A cycle is defined as any engine operating sequence involving engine start, at least one acceleration to a power required for takeoff and a shutdown. The controlling life limit is the limit that occurs first (cycles or hours).

NOTE 2: General Electric Company Alert Service Bulletin No. (CT58) A72-146, titled "Compressor Section-Reduction of Service Life of Compressor Rear Shaft for External Lift Operators Only", pertains to this subject.

Issued in Burlington, Massachusetts, on June 23, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-18907 Filed 6-30-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NW-5-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39-2538 AD 76-05-05 requires inspection and rework of certain fuselage lap joints on Boeing Model 747 series airplanes. After issuing Amendment 39-2538 the agency has determined that a repeat inspection interval is required. Therefore, the agency is considering amending Amendment 39-2538 to provide a repeat inspection requirement.

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, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before August 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations, Amendment 39-2538 as follows:

1. Delete paragraph "D" and add the following paragraph:

"D. Repeat the inspection required in paragraph A above at an interval not to exceed 4,000 flight hours or 15 months whichever comes first."

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

Issued in Seattle, Washington, June 22, 1976.

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

[FR Doc.76-18908 Filed 6-30-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NW-2]

CONTROL AREA

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish offshore controlled airspace on the United States west coast.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before August 2, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designated to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility

of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposal would amend § 71.163 of the Federal Aviation Regulations by adding the description of an additional control area as follows:

NEWPORT, OREG.

That airspace extending upward from 5,000' MSL bounded on the north by the Vancouver Oceanic Control boundary, on the east by a line beginning at Lat. 48°30'00" N., Long. 124°44'00" W., thence extending southward 3 nautical miles west of and parallel to the shoreline, thence via the west edge of V-27W and V-27 to the Oakland ARTCC Flight Advisory Area, on the south by the Oakland ARTCC Flight Advisory Area, and on the west by the Oakland Oceanic Control boundary.

Establishment of this additional control area would result in more efficient use of the airspace. Warning areas occupy a small portion of this airspace, and designation of control area would provide for the establishment of procedures for joint use of the warning areas within the proposed control area.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-18906 Filed 6-30-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Montague, California Transition Area.

A review of the new VOR-B instrument approach has revealed that some additional controlled airspace will be required to encompass the procedure turn. Action is taken herein to provide the necessary controlled airspace.

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, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER 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 document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

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

§ 71.181 [Amended]

In § 71.181 (41 FR 440) the description of the Montague, California Transition Area is amended by substituting 29 miles in lieu of 26 miles in the last sentence of the description.

This amendment is proposed under the authority of 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 Los Angeles, California.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-18748 Filed 6-30-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new 700 foot transition area for Lompoc Airport, Lompoc, California.

A new instrument approach procedure has been developed for Lompoc Airport, Lompoc, California. This new procedure is based on the Gaviota VORTAC 293°T (278°M) radial. Gaviota (GVO) VORTAC is the initial approach fix and GVO 278° 16 DME is the final approach fix. The 700 foot transition area is required to provide controlled airspace protection for aircraft executing the instrument procedure.

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, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER 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, 15000 Aviation Boulevard, Lawndale, California 90261.

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

§ 71.181 [Amended]

In § 71.181 (41 FR 440) the following transition area is added:

LOMPOC, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lompoc Airport (latitude 34°39'58" N., longitude 120°27'56" W.) and within 5 miles each side of the Gaviota VORTAC 293° radial, extending from the 5-mile radius area to 16 miles west of the Gaviota VORTAC.

This amendment is proposed under the authority of 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 Los Angeles, California, on June 18, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-18749 Filed 6-30-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 2 and 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Early Site Reviews and Limited Work Authorizations; Extension of Comment Period

On April 22, 1976 the Commission published for public comment proposed amendments to its regulations in 10 CFR Part 2, "Rules of Practice," and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would encourage and provide for early review of

site suitability issues associated with nuclear power reactors and other large utilization facilities and extend the so-called "limited work authorizations" concept to include production facilities such as commercial isotopic enrichment plants and fuel reprocessing plants, and testing reactors.

In view of expressions of interest received in the early site review process, the Commission has determined that it would be advisable to extend the comment period. Accordingly, the comment period is hereby extended to July 15, 1976.

Dated at Washington, D.C. this 29th day of June 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-19312 Filed 6-30-76;9:48 am]

VETERANS ADMINISTRATION

[38 CFR Part 4]

SCHEDULE FOR RATING DISABILITIES

Proposed Regulatory Development

The Administrator of Veterans' Affairs proposes to amend Part 4 of Title 38, Code of Federal Regulations, Schedule for Rating Disabilities.

In accordance with the authority vested in him by the law, 38 U.S.C. 355, to readjust the schedule of ratings in accordance with experience, the Administrator proposes to amend the Schedule for Rating Disabilities, to extend the convalescent rating periods provided §§ 4.29 and 4.30 and make several editorial changes.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans' Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before July 30, 1976, will be considered. All written comments received will be available for public inspection at above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting the Veterans Administration Central Office for the purpose of inspecting such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only at VA Central Office and furnished the address and room number.

Notice is given the amendment to the Schedule for Rating Disabilities would be effective the date of final approval.

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

Approved: June 25, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 4.29, paragraphs (a), (c) and (e) are revised, a new paragraph (f) is added and the present paragraph (f) is redesignated (g) so that paragraphs (a), (c), (e), (f) and (g) read as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

A total disability rating (100 percent) will be assigned without regard to the provisions of the rating schedule when it is established that a service-connected disability has required hospital treatment in a Veterans Administration or an approved hospital for a period in excess of 21 days or hospital observation at Veterans Administration expense for a service-connected disability for a period in excess of 21 days.

(a) Subject to the provisions of paragraphs (d), (e) and (f) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service-connected disability or effective the last day of the month following release to non-bed care. A third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescense is required as provided by paragraph (e) or (f) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

* * * * *

(c) The assignment of a total disability rating on the basis of hospital treatment or observation will not preclude the assignment of a total disability rating otherwise in order under the regular provisions of the rating schedule, and consideration will be given the propriety of such a rating in all instances and to the propriety of its continuance after discharge. Particular attention, with a view to proper rating under the rating schedule, is to be given to the claims of veterans discharged from hospital, regardless of length of hospitalization, with indications on the final summary of expected confinement to bed or house, or to inability to work with requirement of frequent care of physician or nurse at home.

* * * * *

(e) The total hospital rating if convalescence is required may be continued for periods of 1, 2, or 3 months in addition to the period provided in paragraph (a) of this section.

(f) Extension of periods of 1, 2 or 3 months beyond the initial 3 months may be made upon approval of the Adjudication Officer.

(g) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need post-hospital care and a prolonged period of convalescence will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

2. Section 4.30 is revised to read as follows:

§ 4.30 Convalescent ratings.

(a) Subject to Veterans Administration regulations governing effective dates for increased benefits, where the report at hospital discharge indicates entitlement under paragraph (a) (1), (2) or (3) of this section, a total rating (100 percent) will be granted following hospital discharge (regular discharge or release to non-bed care), effective from the date of hospital admission and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge. These total ratings will be granted if the hospital treatment of the service-connected disability resulted in

(1) Surgery necessitating posthospital convalescence. The initial grant of a total rating will be limited to 1 month, with one or two extensions of periods of 1 month each in exceptional cases.

(2) Surgery with severe postoperative residuals shown at hospital discharge, such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). Initial grants may be for 1, 2, or 3 months.

(3) Immobilization by cast, without surgery, of one major joint or more shown at hospital discharge or performed on an outpatient basis. Initial grants may be for 1, 2, or 3 months.

A reduction in the total rating will not be subject to § 3.105(e) of this chapter. The total rating will be followed by an open rating reflecting the appropriate schedular evaluation; where the evidence is inadequate to assign the schedular evaluation, a physical examination will be scheduled prior to the end of the total rating period.

(b) A total rating under this section will require full justification on the rating sheet and may be extended as follows:

(1) Extensions of 1, 2 or 3 months beyond the initial 3 months may be made under paragraph (a) (1), (2) or (3) of this section.

(2) Extensions of 1 or more months up to 6 months beyond the initial 6 months period may be made under paragraph (a) (2) or (3) of this section upon approval of the Adjudication Officer.

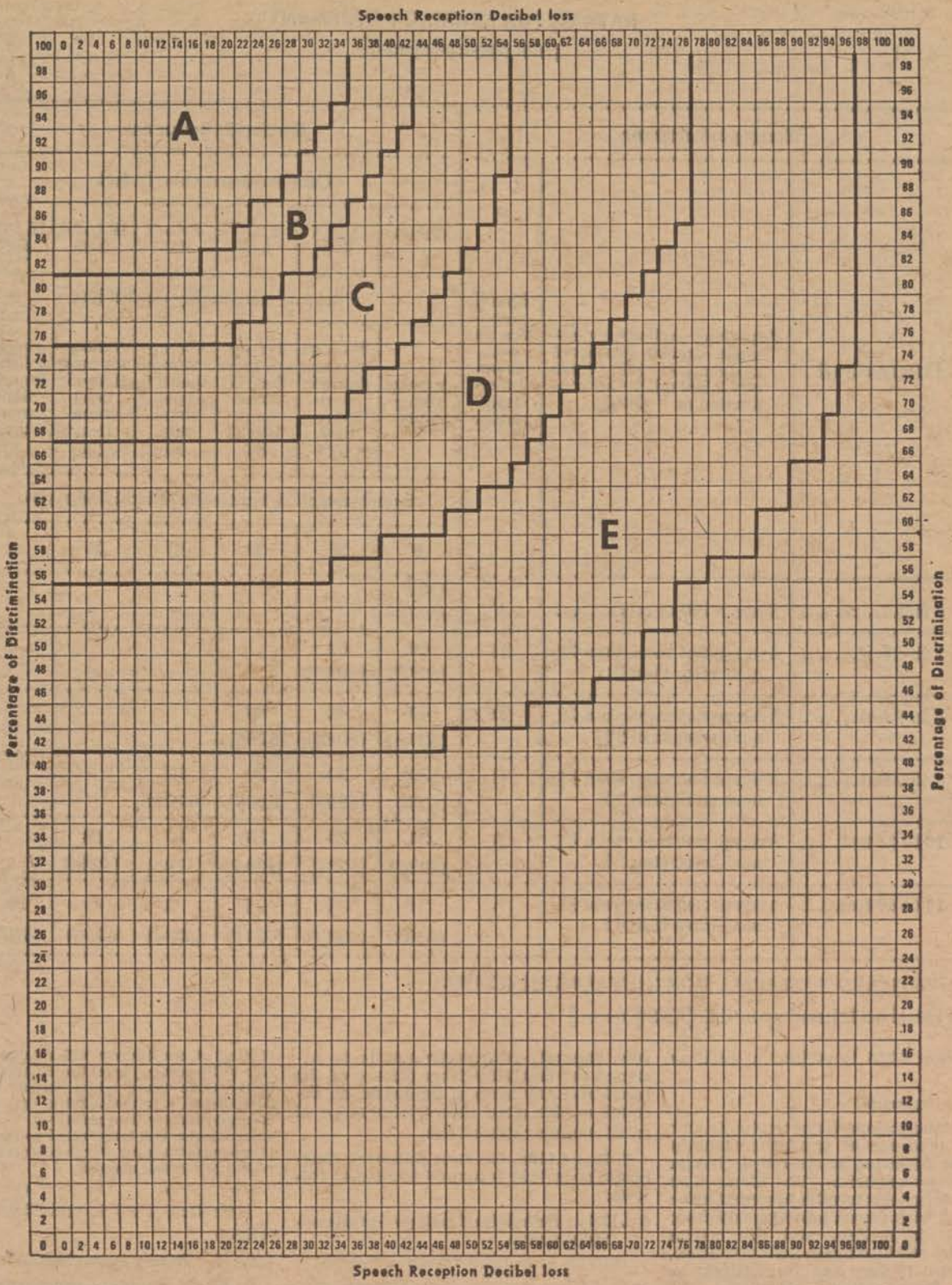
3. Section 4.83 is revised to read as follows:

§ 4.83 Ratings at scheduled steps and distances.

In applying the ratings for impairment of visual acuity, a person not having the ability to read at any one of the scheduled steps or distances, but reading at the next scheduled step or distance, is to be rated as reading at this latter step or distance. That is, a person who can read at 20/100 but who cannot read at 20/70 should be rated as seeing at 20/100.

4. Immediately following § 4.87, Tables IV and V are revised to read as follows:

TABLE IV



(This chart showing the literal designation of hearing loss is based on the ISO (ANSI) norm.) [ ]

TABLE V

RATINGS FOR HEARING IMPAIRMENT

(with diagnostic code)

Hearing in better ear			Hearing in poorer ear					
			Conversational voice in feet					
			0 feet	1 to 4 feet	5 to 7 feet	8 to 9 feet	10 to 14 feet	15 to 40 feet
			Pure tone audiometry decibel loss					
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000 and 2,000 (either air conduction or GSR)	Speech reception impairment literal designation	Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45
			Speech reception impairment literal designation					
			F	E	D	C	B	A
0 feet	Average 100 or more	F	(7)80 (6277)					
1 to 4 feet	Average not more than 99; none more than 105	E	60 (6278)	60 (6283)				
5 to 7 feet	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)			
8 to 9 feet	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	20 (6289)	20 (6292)		
10 to 14 feet	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)	
15 to 40 feet	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)

(7ENTITLED TO SPECIAL MONTHLY COMPENSATION.)

[This chart is based upon ISO (ANSI) norm.]

5. Section 4.115 is revised to read as follows:

§ 4.115 Nephritis.

Albuminuria alone is not nephritis, nor will the presence of transient albumin and casts following acute febrile illness be taken as nephritis. The glomerular type of nephritis is usually preceded by or associated with severe infectious disease; the onset is sudden, and the course marked by red blood cells, salt retention, and edema; it may clear up entirely or progress to a chronic condition. The nephrosclerotic type, originating in hypertension or arteriosclerosis, develops slowly, with minimum laboratory findings, and is associated with natural progress. Separate ratings are not to be assigned for disability from disease of the heart and any form of nephritis, on account of the close interrelationships of cardiovascular disabilities.

6. In § 4.115a, the note following diagnostic code 7500 is revised to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

DISEASES OF THE GENITOURINARY SYSTEM

7500 Kidney, removal of one, with nephritis, infection, or pathology of the other

* * * * *

NOTE.—The absence of one kidney prior to enlistment or the congenital nonfunctioning of one kidney will require a deduction of 30 percent from the 60 percent rating under Code 7500; when, under these circumstances, a total disability on the basis of unemployability is considered to exist, the claims folder will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

* * * * *

7. Section 4.116 is revised to read as follows:

§ 4.116 Rating gynecological conditions.

In rating disability from gynecological conditions the following will not be considered as ratable conditions: (a) the natural menopause, (b) amenorrhea, when this is based upon developmental

defect or abnormality, and (c) pregnancy and childbirth and their incidents, except surgical complications under certain circumstances. The surgical complications of pregnancy will not be held the result of service except when additional disability resulted from treatment therein or they are otherwise directly attributable to unusual circumstances of service. Congenital malformations are not ratable conditions. New growths are to be rated in accordance with the effect upon parts or organs involved whose function is impaired or whose resection or excision is indicated. The excision of uterus, ovaries, etc., prior to the natural menopause is considered disabling.

8. In § 4.116a, diagnostic codes 7624 and 7625 are revised to read as follows:

§ 4.116a Schedule of ratings—gynecological conditions.

* * * * *

7624 Fistula, rectovaginal
Rate as ano, fistula in, under diagnostic code 7335.

7625 Fistula, urethrovaginal
Rate as urethra, fistula of, under diagnostic code 7519.

* * * * *

9. Section 4.125 is revised to read as follows:

§ 4.125 General considerations.

The field of mental disorders represents the greatest possible variety of etiology, chronicity and disabling effects, and requires differential consideration in these respects. These sections under mental disorders are concerned with the rating of psychiatric conditions and specifically psychotic, psychoneurotic and psychophysiologic disorders, as well as mental disorders accompanying organic brain disease. Advances in modern psychiatry during and since World War II have been rapid and profound and have extended to the entire medical profession a better understanding of and deeper insight into the etiological factors, psychodynamics, and psychopathological changes which occur in mental disease and emotional disturbances. The psychiatric nomenclature employed is based upon the Diagnostic and Statistical Manual of Mental Disorders, 1968 Edition, American Psychiatric Association. This nomenclature has been adopted by the Department of Medicine and Surgery of the Veterans Administration. It limits itself to the classification of disturbances of mental functioning. To comply with the fundamental requirements for rating psychiatric conditions, it is imperative that rating personnel familiarize themselves thoroughly with this manual (American Psychiatric Association Manual, 1968 Edition) which will be hereinafter referred to as the APA manual.

10. Section 4.127 is revised to read as follows:

§ 4.127 Mental deficiency and personality disorders.

Mental deficiency and personality disorders will not be considered as disabilities under the terms of the schedule. Attention is directed to the outline of personality disorders in the APA manual. Formal psychometric tests are essential in the diagnosis of mental deficiency. Brief emotional outbursts or periods of confusion are not unusual in mental deficiency or personality disorders and are not acceptable as the basis for a diagnosis of psychotic reaction. However, properly diagnosed superimposed psychotic reactions developing after enlistment, i.e., mental deficiency with psychotic reaction or personality disorder with psychotic reaction, are to be considered as disabilities analogous to, and ratable as, schizophrenic reaction, unless otherwise diagnosed.

11. Section 4.130 is revised to read as follows:

§ 4.130 Evaluation of psychiatric disability.

The severity of disability is based upon actual symptomatology, as it affects social and industrial adaptability. Two of the most important determanants of disability are time lost from gainful work and decrease in work efficiency. The rating board must not underevaluate the emotionally sick veteran with a good work record, nor must it overevaluate his or her condition on the basis of a poor work record not supported by the psychiatric disability picture. It is for this reason that great emphasis is placed upon the full report of the examiner, descriptive of actual symptomatology. The record of the history and complaints is only preliminary to the examination. The objective findings and the examiner's analysis of the symptomatology are the essentials. The examiner's classification of the disease as "mild," "moderate," or "severe" is not determinative of the degree of disability, but the report and the analysis of the symptomatology and the full consideration of the whole history by the rating agency will be. In evaluating disability from psychotic reactions it is necessary to consider, in addition to present symptomatology or its absence, the frequency, severity, and duration of previous psychotic periods, and the veteran's capacity for adjustment during periods of remission. Repeated psychotic periods, without long remissions, may be expected to have a sustained effect upon employability until elapsed time in good remission and with good capacity for adjustment establishes the contrary. Ratings are to be assigned which represent the impairment of social and industrial adaptability based on all of the evidence of record. Evidence of material improvement in psychotic reactions disclosed by field examination or social survey should be utilized in determinations of competency, but the fact will be borne in mind that a person who has regained competency may still be unemployable, depending upon the level of his or her disability as shown by recent examinations and other evidence of record.

[FR Doc.76-18979 Filed 6-30-76;8:45 am]

notices

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

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held at 0830 on Tuesday and Wednesday, July 27 and 28, 1976, in Arlington, Virginia. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject matter of the meetings is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 28, 1976.

[FR Doc.76-19100 filed 6-30-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. N. V. NEDERLANDSCHE CONBINATIE VOOR CHEMISCHE INDUSTRIE, ET AL.

Proposed Judgments; Comments Filed

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 70 Civ. 2079 (D.N.E.), *United States of America* v. *N.V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: June 18, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments & Judgment Enforcement Section.

SIDNEY BARTON,
Attorney At Law,
16962 Cotter Place, Encino, California 91316 (213) 788-7600, May 1, 1976.

Re 70 Civ. 2079, *U.S.* v. *Boehringer et al.*
JOEL DAVIDOW,
Chief Foreign Commerce, Antitrust Division, Dept. of Justice, Washington, D.C. 20530.

SIR: Per Notice published in Los Angeles Times, April 30, 1976 I request you favor me with a copy of the Proposal i.e. the *proposed* consent judgment to be entered after July 29, 1976 *and* Competitive Impact Statement *together* with all other documents, instruments, and writings relevant to the interest of Mrs. Barton who has been prescribed and has purchased Quinaglute, Quinadine, and other CINCHONA product these 30–35 years last past. Should you be so inclined I would appreciate your suggestions as to what steps would be appropriate to indemnification and payment by the defendants.

(S) S. BARTON.

3425 So. 176th, #237,
SEATTLE, WA. 98188.
May 10, 1976.

Ref: Civil Action No. 70 Civ. 2079—Quinine.
Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Dept. of Justice, Washington, D.C. 20530.

DEAR SIR: With reference to the above antitrust action, would you please send a copy of the proposal in this action.

I am required to take Quinine every day. In the past five years my cost of 5 grain capsules have increased 2½ times from what I was paying, the cost now being $15.00 per hundred.

Is there any proposal for reimbursement for illegal price fixing and penalty.

Sincerely,

(S) ROBERT J. SHEEHAN.

80 STONYBROOK ROAD,
FAIRFIELD, CONN. 04630,
May 10, 1976.

GENTLEMEN: Not being an attorney, I am unable to understand what is meant in the article published in the N.Y. Times on Monday May 10th regarding the proposed quinine settlement.

I assume the U.S. Govt. is sueing the defendants named for fixing prices on quinine products. This is readily apparent when my pharmacist tells me each time I have my prescription of quinaglute filled that the price has risen again.

I can only hope as a consumer that corrective action will be taken.

Sincerely,

(S) G. ROBERT SCHNEIDER.

1318 LINCOLN AVE.,
NEW HYDE PARK, N.Y. 11040,
May 10, 1976.

Chief JUDGE EDELSTEIN,
U.S. District Court,
N.Y., N.Y.

DEAR JUSTICE: I noticed an item in today's N.Y. Times that stated the case about the Quinine settlement has been settled, and am inquiring if one can file a claim against the companies.

As I was using this medicine during the period mentioned in thereafter, perhaps your office can enlighten me as to how to go about getting more detailed data as to possibly filing some claim, altho I don't know exactly what was spent in the years between 1958–69.

Is it possible to receive copies of the proposal for public inspection, as advertised.

Thank you.

Very truly yours,

(S) DAVID PODELL.

FRANK X. CASTELLANO, M.D., P.C.,
61 Bronx River Road, Yonkers, New New York, N.Y. 10007.
May 11, 1976.

Chief Judge EDELSTEIN,
U.S. District Court,
New York, N.Y. 1007.

YOUR HONOR: Reference is made to the current anti-trust judgment in the matter of quinidine price regulation.

As a physician I have seen the price of Quinidine rise from $48.00 per 1000 a few years ago to the current $101.00 per thousand and continuing to rise.

For many cardiac patients there simply is *no* substitute medication and many patients have faced the awful result of simply not being able to afford this essential medication. I implore the Justice Department to pursue this action and to disengage this cartel which has consorted to fix and raise the price of this *life* saving medication out of the reach of many cardiac patients.

Most Sincerely,
Frank X. Castellano, M.D., P.C., *61 Bronx River Road, Yonkers, New York 10704,*

(S) FRANK X. CASTELLANO.

WESTVIEW DISTRIBUTORS, INC.,
1021 Ingleside Avenue,
Baltimore, Maryland 21228,
May 12, 1976.

MR. JOEL DAVIDOW: We would like a copy of the proposal and the CIS concerning the proposed Quinine Settlement. (Notice of proposed consent judgment in government antitrust case involving Quinine, Quinidine and other Cinchona products pursuant to order of Hon. David N. Edelstein, Chief Judge, U.S. DISTRICT COURT, Southern District of New York.) I would also like any further information generated on this matter also to be sent to us. Our parent company operates four retail pharmacies, therefore we would be vitally concerned with the above captioned item.

Sincerely yours,

LEONARD GOLDBERG,
Drug Buyer,
Westview Pharmacies.

SAMUEL MAZESS,
Arlen House, Apt. 1205, 300 Bayview Drive No. Miami Beach, Florida 33160,
May 12, 1976.

To: Chief Judge Edelstein.
From: Samuel Mazess.

As a retired pharmacist (moved from Phila. in 1974) I must comment on the "Proposed Quinine Settlement" as made available thru notice in the N.Y. Times.

Most senior citizens (65 & over) have retired with the main source of their retirement various heart malfunctions. My retirement also was due to rapid & disturbed heart conditions.

Heart specialized prescribe Quinidine as the major relief for this condition. I have been taking these tablets 3 times a day for 4 years. The price of these tablets four years ago was $2.99 a hundred. It is now $12.00 a hundred at Walgreen's Drugs.

The druggist there confidentially advised me that the drug comes mainly from Indone-

sia & is only distributed in U.S. by *two* drug houses (I believe Eli Lilly or Parke Davis, Sterling Drug). There certainly is circumstantial evidence that the price of this drug is being fixed thru conspiracy.

(S) SAMUEL MAZESS.

PHILANDER BATES,
Chase Street, West Harwich, Massachusetts 02671.

Mr. J. DAVIDOW,
Chief Foreign Service Sect., Room 3305, Dept. of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: I would indeed like to comment on the Proposed Quinine Settlement.

My wife has been using Quinidine sulphate for several years because of an irregular heart beat. She takes 8 each day or approximately 3000 a year. I always buy them in 1000 lots. My concern is the rapid price rise for the product—Fifteen years ago I paid $12 per M. Today I'm quoted $135 per M and have been buying them for $100 at a cut price drug store.

To me this huge increase of over 800% can't be blamed on inflation and smacks of price fixing. To increase the cost of medication from $36 a year to $300.00 I find difficult to take—and understand.

Sincerely yours,

(S) PHIL BATES.

P.S.—And there's no substitute product that works for my wife.

7 BUHL LANE, EAST NORTHPORT, L.I.,
NEW YORK 11731
May 13, 1976.

Dear Sir,

I read in the newspapers yesterday about the case of the Gov. and the Quinidine sales. I am very interested because ever since Sept. of 1966 when I had open heart surgery I have to use 3000 quinidine tablets a year each 200 mgs. The cost has varied so much from $22.50 per 1000 to $120.00 per 1000. Right now I get from the A.A.R.P. pharmacy for $79.00 per 1000. I have written to Rep. Paul Rogers (when I lived in Fla.). Now since I am here living with my son I also wrote to Sen. T. Kennedy and Sen. Jacob Javits. All these gentlemen answered me and said that the U.S. military has stored a lot of this drug but they had hoped the price would come down soon. I am close to 70 years old and when living on Soc. Sec. this high price for a drug which should not be much more expensive than the common Aspirin seems silly to me. I hope I have not taken up your time and would appreciate what you can do about the case.

Thank you,
Sincerely,

Helen Laparcerie
HELEN LAPARCERIE.

JAMES MORGAN SCOTT, Jr.,
8302 Albacore,
Houston, Texas 77074.

DEAR MR. DAVIDOW: I am writing in relation to your proposed consent judgment in the Quinine case.

1. I request a copy of the proposed settlement and the Competitive Impact Statement as soon as possible.

2. Unless the above materials clearly answer the following questions then I want a separate answer in detail to them.

a. How much damage to the total U.S. public was caused by the known and suspected illegal practices of the company in question?

b. If they did not do anything wrong why were they accused?

c. If so strongly suspected of wrongdoing then why not go to trial and recover full damages?

d. If damages done and prefer settlement then why not settle for perhaps ½ of total damages instead of only saying "please don't do it any more, but you can keep all your past illegal profits?" Please answer this one especially clearly and detailed.

e. How much U.S. taxpayer money has been spent in this case so far? How many cases in Antitrust Division now? How many filed last year? (1975)

f. What % of complaints to Antitrust Division are taken to court?

g. What % of those taken to court are settled by Consent Judgment?

h. Why did you decide to a consent judgment without any information?

You said that no materials were considered *determinative* in the decision to formulate the proposal in that matter.

Would it not be more truthful to say that several hundred pounds of materials were considered determinative in reaching the settlement? How much information has been gathered so far? How many pages in the pleadings? How many pages in the court transcript to date?

Wherefore I ask, request and demand that until the public including myself and Ralph Nader knows the answer to the above questions that the proposed consent judgment be *not* approved by the U.S.?

Please send the materials and requested answers within a week so I can study them carefully to recommend further action.

Yours truly,

(S) JAMES MORGAN SCOTT, Jr.

Send Ralph Nader a copy also of the requested materials, and my letter.

ERIC N. VEIS,
4641 Don Pio Drive,
Woodland Hills, Ca 91364,
May 14, 1976.

Hon. CHIEF JUDGE EDELSTEIN,
United States District Court,
New York, N.Y. 10007.

DEAR SIR: This is in regard to the published notice of the proposed QUININE SETTLEMENT pursuant to your order.

Due to a heart ailment I have to take Quinidine constantly. As the price for this medication has been constantly raised and no generic drug to replace it is available I one of the public who is interested in the proposed settlement.

It is to be hoped that the proposed settlement might result in other pharmaceutical firms be able to market Quinine drugs, but will it result in a relief for the consumer?

Why can't the proposed settlement contain a provision whereby the public who was forced with artificially high prices to pay for these products will be reimbursed in some way?

I would appreciate if you would give this suggestion some consideration.

Very truly yours,

Eric N. Veis
ERIC N. VEIS.

2785 WEST 5th. ST.,
BROOKLYN, N.Y. 11224,
May 14, 1976.

MEMO FROM DESK OF HENRY SCHMELZER

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

DEAR SIR: I have read your article in todays N.Y. TIMES, and since this situation does affect me I feel that I should notify you.

I have a chronic condition of paroxysmal tachycardia and use quinidine sulphate gr.3.- at the rate of 1000. every 3 months since 1958. My cost at that time was about 1¢ each while to-day it is 12½¢ each, so you can see that it is very expensive situation for me as a retiree with a limited income.

I hope you can find some way to consider the ultimate consumer in the proposed quinine settlement.

Please keep me advised as to your progress.

Sincerely,

HENRY SCHMELZER.

Executive officers:
C. F. Willeford, General Manager; C. F. Willeford, Jr., Resident Manager.

THE MIDWICK HOTEL AND APARTMENTS,
540 East Santa Clara Street, Ventura, California,
May 14, 1976.

SIR: After reading in this morning's L.A. Times re: the quinine settlement and the request for comment, I had to write.

Before my Father's death in January of this year he was required to take quinine tablets regularly for chronic leg-cramps.

It was amazing to watch the price of 100 caps go from $9.20 to $19.80 over the period of time he was taking them. Probably a period of 2 years. Fortunately, he could afford the medicine but certainly there must be thousands who couldn't and were affected by such price fixing. When I asked our druggist about the outrageous increase I was told that only a few companies handled quinine and it was in short supply.

Hopefully, you can put a stop to such shameful practices. Unfortunately this is probably only one of many similar abuses.

Very truly yours,

(S) C. F. WILLEFORD, Jr.

Mr. DAVIDOW: My wife has been taking Quinidine 3 grains *4 times* a day 200 mg. Ungo *since 1963*. At present she is paying her drug-store $7.95 per hundred tablets. Is this a correct price? Is there anything we could do about this high price?

Yours very truly,

(S) CATHERINE LIATI.

MR. & MRS. LOUIS LIATI,
11811E. BEVERLY BLVD.,
WHITTIER, CALIF. 90601.

UNIVERSAL HERITAGE INVESTMENTS CORPORATION,
14724 Ventura Blvd., Sherman Oaks, CA. 91403,
May 17, 1976.

HONORABLE DAVID N. EDELSTEIN,
Chief Judge, U.S. District Court, Southern District of N.Y.

HONORABLE SIR: I have been a daily user of Quinidine for the past 8 years and have witnessed the escalating price of this medicine in Resignation.

The drugist has stated that it is produced in Indonesia only and the price is controlled at the source.

I am delighted to read that there is action afoot to do something about the price fixing.

Sincerely,

(S) HENRY STONE,
14521 Benefit #203,
Sherman Oaks, Calif. 91403.

1537–7½ AVENUE N.E.,
ROCHESTER, MINN. 55901,
May 1976.

GENTLEMEN: I have been on Quinidine since May 1963 that is 13 years.

I now take 3 500 mg. a day. I buy 100 capsules at a time. Hunts Drug charges 24.67 and gives a 10% discount—that makes it 22.43. The next day I got 100 capsules at Hillcrest Drug for 20.82. He gives no discount but gives Gold Bond stamps 1.61 difference on 100 capsules—that is too much to pay out of Social Security.

P.S.—This is too much to pay to live.

(S) H. K. BUUR.

BEN WERTHEIM,
930 BOULEVARD,
BAYONNE, N.J. 07002,
May 17, 1976.

HON. CHIEF JUDGE EDELSTEIN,
United States District Court,
New York, N.Y. 10007.

DEAR SIR: I read in todays N.Y. Times a notice entitled "Proposed Quinine Settlement."

I underwent open heart surgery in 1970, and since that time take both Quinide and Quinigatute on a daily basis. Both of these drugs are, by far, the most costly drugs I am forced to take. This morning, for example, I paid $15.93 for 50 tablets of Quinigalute. (While Quinidine (of the same family) is less expensive, it is, nevertheless costly.)

Can you please tell me—in *laymen's terms*—what practical effect the settlement referred to above will have on the expense of these drugs to me. I'm sure you can appreciate the importance of this query to me and countless others who have to buy these drugs. Thank you.

Respectfully yours,

(S) BEN WERTHEIM.

BEN WERTHEIM,
930 Kennedy Boulevard,
Bayonne, N.J. 07002,
May 17, 1976.

JOEL DAVIDOW,
Chief, Foreign Commerce Sec., Antitrust Div., Department of Justice, Washington, D.C. 20530.

DEAR SIR: I read in today's N.Y. Times a notice entitled "Proposed Quinine Settlement."

I underwent open heart surgery in 1970 and since that time take both Quinidine and Quinaqatute on a daily basis and will have to continue to do so for the rest of my life. Both of these drugs are, by far, the most costly I must take. Their prices have gone up a number of times since 1970. Today, I paid $15.93 for 50 tablets of Quinaqalute. While Quinide is less expensive, it is nevertheless costly.

Can you please tell me—*in layman's terms*—what practical effect the settlement referred to will have on the expense of these drugs to me. Im sure you can appreciate the pertinence of this query to me and countless other heart patients.

Sincerely yours,

(S) BEN WERTHEIM,

697 ROSYLN AVE.,
AKRON, OHIO.

DEAR SIR: In the Akron area, quinine caps, went from about 85¢ a doz. to $2.79 doz.

(S) W. M. WHEELER.

Mr. and Mrs. CARL G. CRANTZ,
14141 Clarissa Lane, Santa Ana, CA 92705,
20 May 76.

Honorable Chief Judge EDELSTEIN,
U.S. District Court,
New York N.Y.

YOUR HONOR: Persuant to the current investigation on Quinine may I be permitted to state my case of alleged price fixing. Since my cardiac arrest on 14 Feb 73 my daily requirements include two (2) tablets of Quinidex, my Doctor advises me that a continuation for my life time will be required. The current price and average price paid to date is $27.50 per 100.

Substitute types are available but my heart specialist believes in the time delay action of this drug. As I have consumed over 2200 of these capsules to date my expenditure has exceeded $610.00. With a normal life expectancy I will expend an additional $2000.00 on this medication. With the number of heart cases similar in this country I would estimate that the drug is overpriced by at least 75%. Hoping this abets other evidence in the case.

Yours truly,

(S) CARL G. CRANTZ.

APT. 41, 8404 WILLIS AVE.,
PANORAMA CITY, CALIF. 91402,
Tuesday, May 18/76.

DEAR SIR: I want to register a protest and comment on the excess prices I have paid for 100 gr. Quinine Sulfate (5 gr.) for the past number of years. It has gone up from a charge of $3 to the impossible price of $17—Right now it is down to $10 at Savon for a generic form—

We use 2 a day, and have been looking for a fair price over the years. I have purchased it in Fedco, Houses, Long's Drugs, and at Hollywood Drug & Medical Supply Co. in Florida. I also purchased it at Goodfriend's, 2013 West Main, Alhambra, Calif.

May I have literature as published in the Times.

Thank you,

(S) GLADYS R. ALBERT.

Mrs. SYD ROSS,
955 Waring Avenue,
Bronx, N.Y. 10469.
May 20, 1976.

JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Dept. of Justice, Washington, D.C. 20530.

DEAR SIR:

Re Proposed Quinine settlement as per ad in N.Y. Times, May 13, 1976.

About four years ago 100 capsules of quinine sulfate was purchased for $2.00 (Two).

Today the same item was offered at $15.00 at one druggist, $20.00 at another.

During the 4 years the price rose, never lowered or stood level.

Thanks for helping the public against this rip-off by international greed merchants.

If your office needs my help in this matter let me know.

Sincerely,

(S) Mrs. SYD ROSS.

JOHNNY-ON-THE-SPOT,
830 Central Ave., Scarsdale, N.Y. 10583,
May 20, 1976.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: I have been taking Quenidine as prescribed by my Doctor for the past 20 years.

Please advise what procedure I must follow to obtain reimbursement for overcharges of the drug.

Sincerely,

(S) FLORENCE FRIEDMAN.

Mrs. Florence Friedman,
272 Scarsdale Road,
Crestwood, N.Y. 10707.

NASSAU CHAPTER, THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
P.O. Box 91, Hempstead, N.Y. or Old Court House, Mineola, N.Y.
May 20, 1976.

Honorable DAVID N. EDELSTEIN,
Chief Judge, United States District Court, New York, N.Y. 10007.

DEAR JUDGE EDELSTEIN: I read the article in the paper relative to the fixing of prices and the rigging of bids in the establishing of sales quotas in the manufacture of Quinidine.

My wife has been on quinidine for the past five years. From $2 to $3 per hundred, we are now paying $29 per hundred. I think it is a disgrace that this rigging is permitted and I join with you in condemning these practices and make those people responsible pay for it. As I told you, it has cost us, through this price rigging, many hundred of dollars more than it should have, were the prices proper.

Thank you for your interest in protecting the public.

Very truly yours,

IRVING FLAUMENBAUM.

COMMUNITY DRUG STORES, INC.,
311 East Main Street & 76 Ashman Circle, Midland, Michigan 48640,
May 21, 1976.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Anti-Trust Division, Department of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: I would very much appreciate an interpretation from you on the proposed Quinine settlement. It has been common knowledge in pharmacy for many years that the Dutch have controlled and manipulated the supply and price of Quinine and its' alkaloids. The market fluctuates between extreme shortages and routine availability and each time there is an extreme shortage, the price rises.

Although I cannot remember exactly what the price might have been at varying points in history, I am sure that it has increased a minimum of 300% in the last 10 years.

If your settlement is completed, is there any way of receiving reimbursement for overcharge?

Very truly yours,

STUART J. BERGSTEIN.

FRANK J. GILLESPIE, *Writer/Photographer,* SOCIETY OF AMERICAN TRAVEL WRITERS

1601 Manzantio Drive, Belmont, California 94002,
May 12, 1976.

Re Proposed Quinidine Settlement.

Mr. JOEL DAVIDOW,
Department of Justice,
Washington, D.C.

DEAR MR. DAVIDOW: This letter in response to the request for written comments on the above-named action.

According to the ad in the San Francisco Chronicle, the charges cover only the years 1958 to 1966. What these companies have done in the 10-year period following (1966–1976) is only incredulous and in my opinion, criminal actions should be pursued in lieu of a simple consent decree. Consider:

In 1966 I suffered a heart fibrillation. For the rest of my life I will have to take Quinidine to prevent a recurrence. At the time I was released from the hospital, this in Chicago in February of 1966, I was paying $3.95 for 100 Quinidine tablets. When we moved to Belmont five years later, in 1971, the price was $4.95 per 100.

Last week I paid $10.95 per 100!

About two years ago, as the price rose about $1.00 every time I re-ordered, there was a marked shortage of Quinidine. In view of the Consent Decree it is obvious (though probably only to me) that the defendants deliberately withheld Quinidine to create an artificial shortage and drive up the price.

Cartels still flourish. I repeat: my recommendation is for criminal prosecution for the 1966–1976 period.

Thank you for your attention.

Sincerely,

FRANK J. GILLESPIE.

S. H. GROSSMAN, R. Ph.,
6926 Crittenden Street, Philadelphia, Pennsylvania, 19119,

22 May 76.

Ref: *United States v. N. V. Nederlansche Combiantie Voor Chemische Industries et al, Civil Action No. 70, Civ. 2079.*

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Department of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: I am keenly interested in the proposed Cinchona Alkaloids (Quinine) "Settlement" under consideration by the anti-trust division of the department of justice in the above proceedings.

I do hope, though I am not certain, that this proposed "settlement" will once and for all, show the culprits or is criminals a better word, that once and for all, the United States is going to put an end this time to the machinations of the Nederlanders and the ingelheim Boehringers of Mannheim, that enough is enough.

Many times heretofore consent arrangements have been made between United States and these trade cartelizers, in regard to Cinchona quotas eliminations. So what has happened? They left the court and in 10 days set up shop again.

What do you propose?

I do know that many elderly and impoverished find it necessary to bear the discomfort and pains of heart fibrillations because they cannot afford the ten dollars for 100 Quinidine Sulfate tablets. This because some "fat-Cats" in Europe call the "tune".

I would like to hear your proposed consent judgment.

Sincerely yours,

S. H. GROSSMAN.

125½ S. SWEETZER AVE.,
LOS ANGELES, CA. 90048,
May 22, 1976.

Hon. DAVID N. EDELSTEIN,
U.S. District Court,
New York, N.Y. 10007.

CHIEF JUDGE EDELSTEIN: Since Sept. 1972 when my husband started using quinidine, the price has more than doubled. When I questioned the first big increase in price the pharmacist told me that the supply had been cornered by the manufacturer and it was "pay the price or else." Upon inquiring from other pharmacies the answer and price was very close, so I realized there must be truth to the matter. Of course, the price has never gone down.

Is there a possibility that the company will have to make refunds? We have records of our medical expenses in order to verify.

Yours truly,

(S) (Mrs. Manuel) EDITH WINETT.

125½ S. SWEETZER AVE.,
LOS ANGELES, CA. 90048,
May 22, 1976.

Mr. DAVIDOW,
U.S. Clerk's Office, Rm. 3305, Dept. of Justice, Washington, D.C.

DEAR SIR: Since Sept. 1972 when my husband starting using quinidine, the price has more than doubled. When I questioned the first big increase in price, I was told by the pharmacist that the supply had been cornered by the manufacturer and it was "pay the price or else!" Upon inquiring from other pharmacies the answer and price was very close, so I realized there must be some truth to the matter. Of course, the price has never gone done.

Is there a possibility of the company having to make refunds? We have records of our medical expenses in order to verify.

Yours truly,

(S) (Mrs. Manual) EDITH WINETT.

31780 FRANKLIN FAIRWAY, FARMINGTON HILLS, MICH. 48024,
5/24/76.

Reg: Civil Action #70 Civ. 2079, Filed May 21, 1970.

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK,
Foley Square, New York, New York 10007–

Atten: Clerk of the court.

Reference is made to the "Notice of Proposed Consent Judgment in Government Antitrust Case, Involving Quinine, Quinidine & other Cinchona Products." Pursuant to the Order of Hon. David N. Edelstein, Chief Judge, United States District Court, Southern District of New York.

Could you please send me any information and claim forms for reimbursement under this Order.

I was a retail Pharmacist during the period 1958 and 1966 & was overcharged for the above drugs in those years mentioned.

Thank you,

(S) S. H. VICTOR,

4700 JONES BRIDGE ROAD,
BETHESDA, MARYLAND 20014,
May 25, 1976.

Mr. JOEL DAVIDOW,
Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: As one voice among the thousands of cardiacs in the United States who must take (3) Cardioquin tablets daily to survive, I heartily endorse the government antitrust case involving quinine, Quinidine, Cardioquin and other Cinchona products. I trust the antitrust case against the foreign cartel will bring some relief in its availability as well as the price structure—$35.00 for 100 Cardioquin 275 mg. tablets as of May 15, 1976.

Thank you and your staff for your excellent work in this matter. I certainly appreciate your perseverance during the past few years in tracking down and bringing to justice the people involved in the cartel.

Sincerely,

(MRS.) LENA D. NASCA.

DELPHI MARKETING SERVICES, INC.,
May 25, 1976.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

DEAR MR. DAVIDOW: We are interested in receiving copies of the proposal and CIS concerning the proposed consent judgment in U.S. vs. N.V. Nederlandsche Combinatie Voor Chemische Industries, et al. to be entered against two of the defendants, Boehringer Mannheim GmbH and its subsidiary. A copy of the announcement of this suit, as published in the May 10, 1976 issue of the Wall Street Journal, is enclosed.

Thank you.

Sincerely,

DELPHI MARKETING SERVICES, INC.,
M. CRAIG JONES,
Manager, Marketing Services.

United States District Court for the Southern District of New York

((D.N.E.), Civil No. 70 Civ. 2079)

UNITED STATES OF AMERICA, PLAINTIFF

against

N. V. NEDERLANDSCHE COMBINATIE VOOR CHEMISCHE INDUSTRIE, ET AL., DEFENDANTS

PLAINTIFF'S RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGMENT BETWEEN THE UNITED STATES AND DEFENDANTS BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN ZIMMER & CO. GMBH

This response to comments upon the proposed consent judgment between the United States and defendants Boehringer Mannheim Gmbh ad Vereinigte Chininfabriken Zimmer & Co. Gmbh ("Consenting Defendants") is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16 (b) & (D)). The proposed consent judgment and a Competitive Impact Statement were filed with the Court on April 30, 1976 and published in the Federal Register on May 3, 1976 (41 Fed. Reg. 18328–18334 (1976)). Comments received as of May 29, 1976 will be published simultaneously with this response and typewritten copies of the comments are attached hereto as Exhibit A.

As of May 29, 1976 the Department of Justice has received 32 comments upon the proposed consent judgment. Other than simple requests for copies of the settlement papers, these comments with one exception (discussed below) are concerned with three topics: (1) the sharp increase in price for quinidine-based drugs in the post 1966 period; (2) the availability of private remedies for supposed overcharges for quinidine-based drugs related to these price increases; and (3) the effect of the proposed consent judgment on the present prices to the consumer of quinine and quinidine-based products. One additional comment raises a number of different questions which will be discussed separately below.

I. *The extreme price increase for quinidine-based products in the post 1966 period.*

Almost all of the comments upon the proposed consent judgment are directed at the substantial increase in retail prices for quinidine-based drugs which has occurred mainly in the early 1970's. While the complaint in this action, which was filed on May 21, 1970, alleges a conspiracy beginning in 1958 and ending in 1966, the proposed judgment is designed to prevent these consenting defendants from engaging in any illegal price fixing, customer or market allocation or bid rigging in the future. Unfortunately, factors not within control of these consenting defendants and, thus, beyond the power of this consent judgment to remedy, have undoubtedly contributed to the recent price increases.

In order to determine reasons for recent price increases, the Department of Justice conducted interviews with leading United States pharmaceutical manufacturers, importers and government officials of nations which produce the raw material (cinchona bark). These inquiries indicate several factors other than illegal private collusion may, in part, explain the price increases.

A significant factor affecting current prices is the involvement of governments in the production, pricing and export of raw cinchona bark. For instance, Indonesia, the largest producer of cinchona bark, has nationalized almost all of the cinchona plan-

tations and controls the export of cinchona products through a government-owned company. In addition, Indonesian law forbids the export of the raw bark, requiring that it be processed initially in Indonesia. One result is that prices charged for quinine sulphate by the Indonesian government-owned company to United States importers rose from approximately $70 per kilogram (2.2 pounds) to approximately $190 per kilogram between June 1974 and June 1975. Another example of government involvement is found in Zaire, the only other major producer of cinchona bark. Although both public and private ownership of cinchona plantation exists in Zaire, the export price of cinchona bark is controlled by the government. Price increases that are a result of regulation by foreign governments within their borders may be beyond the reach of the antitrust laws of the United States.

According to all sources interviewed, another major factor contributing to the price increases is an unprecedented and unanticipated increase in the demand for quinidine heart medicine and for quinidine antimalarial agents. The problem of increased demand is compounded by the fact that it takes at least seven years, and more often 14 years, before cinchona trees mature enough to be commercially useful. Even then, the bark may be stripped only at seven-year intervals. Therefore, it would normally take nearly a decade for the supply of raw material to respond to a dramatic increase in demand as is presently occurring.

Adding to the problem are international currency fluctuations and the devaluation of the United States dollar that have occurred in the past several years, which put United States purchasers of West German and Dutch products (whose currencies are among the strongest) at a disadvantage. As most cinchona products are processed by West German and Dutch businesses (consenting defendants are West German corporations), these currency fluctuations and devaluations are probably reflected in quinine prices. Still another factor contributing to the price increases is the pervasive world-wide inflation, which has pushed up cost at every stage of production of the product. This inflation has generally been more pronounced outside the United States; thus, products imported into the United States such as quinine and quinidine reflect these higher rates of inflation.

In summary, many significant factors, other than conduct by consenting defendants and other private persons and firms subject to attack under our antitrust laws, may be among the causes for the recent price increases for quinidine-based drugs. Nonetheless, the Department of Justice will continue to monitor the situation for evidence of illegal practices, not only as part of its continuing specific responsibility for supervision under the proposed consent judgment, but also pursuant to its general responsibility to protect the American consumer against violations of the antitrust laws.

II. *Private remedies available to users of Quinidine-based drugs related to recent price increases*

If users of quinidine-based drugs believe that the recent price increases are the result of violations of the antitrust laws, they retain their full rights to bring antitrust civil damage actions against consenting defendants or any of the original defendants in the above entitled action. Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered. The entry of the proposed final judgment will not have any effect on the right of any potential private plaintiffs claiming they have been damaged as a result of post 1966 conduct to sue for monetary damages or any other legal or equitable remedies.

However, with respect to persons believing they have been overcharged for quinidine products or otherwise damages as a result of the activities during the 1958 to 1966 period, which were the subject of the complaint in this action, their rights to sue under Section 4 of the Clayton Act may be foreclosed as a result of two antitrust class actions brought on behalf of consumers of cinchona bark derivative products and wholesalers and retailers of these same products in the United States District Court for the Eastern District of Pennsylvania. A class action entitled *Mary Cusick, Executrix of the Estate of Richard J. Cusick, Deceased, et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action No. 68–2457 (the "Cusick action"), was filed on November 6, 1968 on behalf of individual consumers of quinine, quinidine, other cinchona products and any other related products or substances, who would have suffered as a result of the same violations alleged in the complaint in this action. A second class action entitled *Sol S. Turnoff Drug Distributors, Inc., et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action 69–1883 (the "Turnoff action"), was brought on August 14, 1969 on behalf of wholesalers and retailers of the same products, suffering as a result of the same alleged violations. Boehringer was named as a defendant in both actions and contributed $180,000 to a joint settlement pool, which totaled $1,300,000. The plaintiff makes no comment with respect to the effect of these settlements on Boehringer's wholly-owned subsidiary, Zimmer, which was named in the complaints but not in the settlements.

Against the total settlement pool all injured members of the two classes were entitled to file claims. An order establishing the classes for settlement purposes and providing for notice to class members was signed by the United States District Court for the Eastern District of Pennsylvania on April 10, 1973. The terms of the settlement and notices of the opportunity to file claims or to request exclusion from the settlement pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure were printed in English or Spanish newspapers throughout the United States. The individual druggists and wholesalers each received a similar notice by direct mail. Approximately 750 consumer claims and 750 wholesaler and retailer claims were filed. A final order approving the settlement was signed by the same court on June 25, 1973.

As a consequence of these settlements, all potential users, retailers or wholesalers of cinchona bark products, except for those requesting exclusion from the two classes, had an opportunity to receive relief based upon the same antitrust violations by consenting defendant Boehringer alleged in the complaint in this action. All other potential private plaintiffs who might have been damaged by the alleged violations retain their rights to sue for monetary damages and any other legal and equitable relief based on the 1958–1966 period. However, this proposed consent judgment, when approved by the Court, may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

III. *Effect of the proposed consent judgment on the present prices to the consumer of quinine and quinidine-based products.*

The effects of the proposed consent judgment are described in detail beginning at Section 3 of the Competitive Impact Statement, entitled "The Proposed Consent Judgment And Its Anticipated Effects On Competition." The comments, however, are generally addressed to what effect the proposed consent judgment will have upon persons who are paying present prices for quinidine-based drugs. To the extent these prices are the result of the factors described under Section I above, the proposed consent judgment will have little effect on such prices, and will offer little opportunity for redress to consumers. However, the proposed consent judgment will prevent and restrain consenting defendants from taking any action of a nature similar to that alleged in the complaint, such as fixing prices, allocating markets, rigging bids, establishing quotas and allocating supplies, which might have contributed to the recent sharp price increase. The goal of this final judgment is a more diverse and competitive industry in quinine and quinidine drugs at both the manufacturing and the refining stage (at least with respect to private persons and firms).

IV. RESPONSE TO ADDITIONAL QUESTIONS AND COMMENTS RAISED BY JAMES MORGAN SCOTT, JR.

In addition to inquiries similar to those raised by other persons commenting upon the proposed judgment, Mr. James Morgan Scott, Jr. raises several additional questions and puts forward several additional comments which are dealt with below.

Mr. Scott inquires as to the total damage to the United States public caused by the known and suspected illegal practices of consenting defendants. There has been no determination of the total damage to the United States public resulting from the practices alleged to have been committed by consenting defendants during the period of the conspiracy, 1958 to 1966. However, to the extent that damages to the United States as a quinine purchaser and seller and damages to members of the quinine-product consuming public or to sellers of these products make up part of the total damage to the United States public, some figures are available. Defendant Boehringer has paid $100,000 in settlement of a damage suit brought by the United States based upon the allegations similar to those in this action, *United States* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, 70 Civ. 2080 (S.D.N.Y., filed May 21, 1970). Defendant Boehringer also contributed $180,000 to the settlement of the two private treble damage class actions referred to in Section II above. Of course, these amounts do not necessarily represent the total damage to the United States Government or to the members of the private treble damage class allegedly sustained at the hands of consenting defendants for their actions during the period 1958 to 1966 any more than does any other settlement of a damage action.

Mr. Scott next poses three questions as to the wisdom and propriety of the settlement and why no damages were recovered. The United States does not, by this proposed consent judgment, concede the innocence of consenting defendants, nor do consenting defendants concede any wrongdoing under the antitrust laws. The essence of a consent judgment is that the parties have seen fit to avoid the cost and uncertainties of full litigation in favor of this proposed consent judgment which, as stated in the Competitive Impact Statement, provides for relief which fully prohibits and corrects the violations alleged in the complaint.

In Section 4 of the Competitive Impact Statement, the Government's position with respect to the alternative of full trial on the merits is stated fully. Furthermore, the sole purpose of this action was to enjoin and restrain consenting defendants from continuing or renewing any of the violations of the antitrust laws alleged in the complaint. No damages were sought in this action. A sepa-

rate damage action brought on behalf of the United States (described in Section 3 of the Competitive Impact Statement) was settled for $100,000.

Mr. Scott inquired as to the cost to United States taxpayers of this lawsuit thus far. This action was filed on May 21, 1970 and was part of a larger investigation by the Department of Justice that began in 1966 with Grand Jury hearings. During the early Grand Jury stages of the investigation, two or three attorneys from the Antitrust Division were devoting nearly full time to the investigation. This lasted approximately one and one half to two years. Subsequent to indictments by the Grand Jury in 1968, a much smaller amount of time was expended, since most of the activity in the case was related to the settlement agreements reached with various defendants. Thus, in total, approximately three to five person-years in attorneys' time have been spent in the investigation, litigation and settlement of all aspects of the criminal, civil injunctive and civil damage cases involving the quinine cartel of the 1958 to 1966 period. Mr. Scott also inquired as to the number of active cases in the Antitrust Division and how many cases have been filed. As of April 30, 1976, there were 150 pending cases in which the Antitrust Division of the Department of Justice presently has responsibility. Since July 1, 1969, the Antitrust Division has initiated 464 civil and criminal cases.

Mr. Scott also inquired as to the percentage of complaints to the Antitrust Division which result in the filing of a case and what portion of filed cases result in settlements. There is no way to determine what percentage of complaints by members of the public result in the filing of cases by the Antitrust Division. Very often investigations are commenced before any complaint is received. On the other hand, many complaints do not involve violations of the antitrust laws. The great majority of all cases filed by the Antitrust Division result in settlement, either by a consent judgment in civil cases or by pleas of *nolo contendere* or guilty in criminal cases.

Mr. Scott requests further explanation of the statement, following Section 6 of the Competitive Impact Statement, that no materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered determinative in formulating this proposed consent judgment. Such statement simply means that no one particular document or group of documents alone convinced the Department of Justice to enter into the proposed consent judgment presented to the Court for its approval. The Department was, of course, aware of the numerous documents produced in this action and the testimony of witnesses before the Grand Jury. It was the totality of this evidence rather than any particular part of it or any document subsequently furnished to the Department of Justice which was determinative in formulating the proposed consent judgment. Consequently, Mr. Scott's next comment, where he suggested that it would be more truthful to say that several hundred pounds of material were considered determinative in reaching the settlement, is not entirely incorrect. Within the meaning of the statutory requirements, however, no such documents in and of themselves were "determinative", but it is correct to assume that the substantial evidence upon which the original lawsuit was based was considered by attorneys for the Department of Justice in connection with this proposed consent judgment.

Mr. Scott's final inquiry concerns the volume of the pleadings and transcripts in this case. With respect to consenting defendants, the only documents filed are the complaint, proposed consent judgment, Competitive Impact Statement, two orders by the Court related to the procedures under the Antitrust Procedures and Penalties Act and a statement pursuant to section 2(g) of the Act (15 U.S.C. § 16(g)) filed by consenting defendants. There was one hearing in court related to the settlement, on December 9, 1974. The transcript of that proceeding contains 42 pages.

Dated: June 18, 1976.

Respectfully submitted,

DONALD A. KAPLAN.
JULIE BROOKS MURRAY.

[FR Doc.76-19048 Filed 6-30-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PUEBLO OF ACOMA, NEW MEXICO

Transfer of Federally Owned Lands

JUNE 23, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On April 29, 1976, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described properties were transferred by the Director, Real Property Division, Fort Worth Regional Office, of the General Services Administration, to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Pueblo of Acoma in New Mexico:

MCCARTY'S DAY SCHOOL SITE

A parcel of land located in the E½SW¼ and the W½SE¼ sec. 27, T. 10 N., R. 8 W., New Mexico principal meridian, in Valencia County, New Mexico, described as follows:

Commencing at the northeast corner of the school site which is south 83.53 chains and west 8.23 chains from the seventh mile corner on the north boundary of the Acoma Grant; thence south 6 chains; thence west 4.17 chains; thence north 6 chains; thence east 4.17 chains to the point of commencement, containing 2.50 acres.

OLD ACOMA ("SKY CITY") TRACT

A parcel of land located in the SE¼SE¼ sec. 20, T. 8 N., R. 7 W., New Mexico principal meridian, in Valencia County, New Mexico, described as follows:

Commencing at the northwest corner of the tract which is N. 49 degrees 28' W. a distance of 55.00 chains from the northeast corner of old church in the village of Acoma; thence east a distance of 4.50 chains; thence south a distance of 4.50 chains; thence west a distance of 4.50 chains; thence north a distance of 4.50 chains to point of commencement, containing 2.02 acres, more or less.

ACOMITA DAY SCHOOL SITE

The following-described parcels of land in Valencia County, New Mexico:

In the NE¼ sec. 33, T. 10 N., R. 7 W., New Mexico principal meridian, beginning at corner No. 1 whence the center of said section 33 bears S. 81 degrees 34' W., 1219.5 feet, and the north quarter corner of said section bears N. 25 degrees 19' W., 2729.3 feet; thence N. 60 degrees 24' E., 300 feet to corner No. 2; thence S. 29 degrees 36' E., 140 feet to corner No. 3; thence S. 60 degrees 24' W., 300 feet to corner No. 4; thence N. 29 degrees 36' W., 140 feet to corner No. 1, containing 0.96 acre, more or less, excepting therefrom a rectangular-shaped parcel containing 0.20 acre, more or less, at the east end of this tract, which parcel of 0.20 acre was transferred to the jurisdiction of the United States Public Health Service under the authority of the Act of August 5, 1954 (68 Stat. 674), and on which there is a clinic building.

In the NE¼ sec. 33, T. 10 N., R. 7 W., New Mexico principal meridian, beginning at corner No. 1 of the original Acomita Day School site; thence S. 60 degrees 24' W., 50 feet to corner No. 2 of this additional tract; thence S. 29 degrees 36' E., 140 feet to corner No. 3; thence N. 60 degrees 24' E., 50 feet to corner No. 4; thence N. 29 degrees 36' W., 140 feet to corner No. 1, containing 0.16 acre, more or less.

In the S½NE¼ and in the N½SE¼ sec. 33, T. 10 N., R. 7 W., New Mexico principal meridian, described as follows:

Beginning at a point designated as corner No. 1 of this tract from which corner No. 3 of the enlarged Acomita Day School tract bears N. 28 degrees 45' W., 55.0 feet; thence N. 77 degrees 45' E., 173.3 feet to corner No. 2 of this new tract; thence S. 10 degrees 27' E., 97.0 feet to corner No. 3 of this new tract; thence S. 79 degrees 33' W., 143.5 feet to corner No. 4 of this new tract; thence N. 28 degrees 45' W., 97.9 feet to corner No. 1 which is its northwest corner, containing 0.35 acre.

These lands, totaling 5.79 acres, are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Pueblo of Acoma. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-19053 Filed 6-30-76;8:45 am]

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION—WASHINGTON

Law and Order Determination

JUNE 22, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2.

Section 601(d), Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, placed responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all Indian tribes and the specific law and order funcitons they have responsibility to exercise. Determinations concerning Indian tribes not listed are made on an individual basis upon application by such tribes under the provisions of the Safe Streets Act of 1968—Public Law 80-351. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM1.

It has been determined by the Commissioner of Indian Affairs that the Confederated Tribes of the Colville Reservation—Washington have responsibility for

exercising all of the six law and order functions shown in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) is amended by revising the entry for the Colville Tribes of Washington to read as follows:

Tribal entities recognized by the Federal Government by State	Tribal entities to employ tribal police	To establish a tribal court	To adopt a tribal law and order code	To undertake correction functions	To undertake programs for prevention of adult crimes	To undertake adult and juvenile rehabilitation programs and juvenile delinquency.
Washington-Colville	X	X	X	X	X	X

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-19055 Filed 6-30-76;8:45 am]

Bureau of Land Management

ALASKA

Segregation of Lands

JUNE 23, 1976.

On February 12, 1976, the State of Alaska, Division of Aviation, filed a request, AA-11189, for a permit, navigation and hazard easement and right-of-way pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 170 et seq.) over and upon the following described land:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 8 N., R. 72 W.

Metes and bounds description, lying within sections 13 and 14.

This tract has an area of 13.20 acres, more or less.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from other forms of use and disposal, subject to conditions prescribed and without consideration other than the benefits to accrue to the public and the United States by virtue of the use of the land for public airport purposes.

Interested persons desiring to express their views should promptly send their name and address to the State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-19060 Filed 6-30-76;8:45 am]

ALASKA

Segregation of Lands

JUNE 23, 1976.

On September 22, 1975, the State of Alaska, Division of Aviation, filed a request, AA-11190, for a permit, avigation and hazard easement and right-of-way pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 170 et seq.) over and upon the following described lands:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 12 S., R. 73 W.

Metes and bounds description, lying within the NW¼SW¼, SW¼SW¼ section 22.

This tract is approximately 12.6 acres in area.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from other forms of use and disposal, subject to conditions prescribed and without consideration other than the benefits to accrue to the public and the United States by virtue of the use of the land for public airport purposes.

Interested persons desiring to express their views should promptly send their name and address to the State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-19052 Filed 6-30-76;8:45 am]

ALBUQUERQUE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

JUNE 23, 1976.

Notice is hereby given that the Multiple Use Advisory Board for the Albuquerque District, Bureau of Land Management will meet at 7:30 a.m. on July 29, 1976. The Board will meet at the Albuquerque District Office, 3550 Pan American Freeway, N.E. and depart immediately to tour part of the Rio Puerco Resource Area.

Areas to be seen and discussed include those involved in a Grazing Environmental Statement, Allotment Management Plans, Off Road Vehicle Use, Access to Public Lands, Geothermal Environmental Analysis Record, an Archeological study area and a Humates Environmental Analysis Record. Public involvement in Environmental Statements and grazing trespass problems will be addressed. Lands which will be the subject of a Coal Environmental Statement and a Wildlife Habitat Management Plan will also be inspected and discussed.

R. KEITH MILLER,
District Manager.

[FR Doc.76-19061 Filed 6-30-76;8:45 am]

BILLINGS DISTRICT OFFICE

Address Change

JUNE 22, 1976.

Effective June 28, 1976, the Billings District Office mailing address will be changed to:

Bureau of Land Management, Billings District, 810 East Main, Billings, MT 59101.

The office location remains the same. This is only a change in the mailing address.

LOWELL K. BROWN,
Acting District Manager.

[FR Doc.76-19051 Filed 6-30-76;8:45 am]

[CA 3620]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

JUNE 25, 1976.

The Forest Service U.S. Department of Agriculture has filed application serial number CA 3620 for the withdrawal of the National Forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for recreational purposes.

Prior to the filing of the proposed withdrawal application, these lands were open to entry under the General Mining Laws. The Forest Service has requested the withdrawal from mining to assure that the lands remain in Federal ownership and to prevent activities adverse to public recreation use.

On or before August 4, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands neded for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ELDORADO NATIONAL FOREST; STUMPY MEADOWS RECREATION AREA

T. 12 N., R. 12 E.,
Sec. 11, SW¼SE¼, SE¼NE¼;
Sec. 12, S½N½, N½S½.
T. 12 N., R. 13 E.,
Sec. 7, NE¼SW¼, Lot 3.

The area described aggregates approximately 480 acres in El Dorado County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 76-19077 Filed 6-30-76;8:45 am]

[CA 3652]

CALIFORNIA

Proposed Withdrawal and Reservation of Minerals

JUNE 25, 1976.

The National Park Service, U.S. Department of the Interior, has filed application CA 3652 to withdraw and reserve from all forms of appropriation under the United States mining laws, 30 U.S.C., Ch. 2, and from leasing under the mineral leasing laws, subject to valid existing rights, the reserved mineral estate in the lands described below.

The applicant desires this action for the purpose of protecting the scenic and environmental values of the land until proposed legislation (H.R. 7209) is enacted authorizing the expansion of the Pinnacles National Monument.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing, on or before August 4, 1976, to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for these resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the minerals will be withdrawn as requested.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

PINNACLES NATIONAL MONUMENT

MOUNT DIABLO MERIDIAN

T. 17 S., R. 7 E.
Sec. 13, E½NE¼, NE¼SE¼.

The area described aggregates 120 acres in San Benito County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19078 Filed 6-30-76;8:45 am]

[NM 28354 and 28355]

NEW MEXICO

Applications

JUNE 23, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeine rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 19, SW¼NE¼.
T. 32 N., R. 11 W.,
Sec. 17, SW¼SE¼.

These pipelines will convey natural gas across .115 of a mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19079 Filed 6-30-76;8:45 am]

[NM 28356]

NEW MEXICO

Application

JUNE 23, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16,, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 8-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN NEW MEXICO

T. 23 S., R. 29 E.,
Sec. 12, E½SW¼;
Sec. 13, NE¼NW¼.

This pipeline will convey natural gas across .558 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19080 Filed 6-30-76;8:45 am]

[NM 28371]

NEW MEXICO

Application

JUNE 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for an access road right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 29, NW¼SW¼;
Sec. 30, NE¼SE¼.

The road will cross .066 of a mile of national resource land in San Juan County, New Mexico, and will provide access to oil and gas operations in the area.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19102 Filed 6-30-76;8:45 am]

WORLAND DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

JUNE 24, 1976.

Notice is hereby given that the Worland District Multiple-Use Advisory Board will meet at 9 a.m. on July 29-30, 1976 at the Stockgrowers State Bank in Worland, Wyoming.

The agenda will include a report by member James Rannels on distribution and use of range improvement funds in the district, and a report by members Ben Clark and Harold Harris on the proposed Westside Irrigation Project and public and industry opinion about it.

The main topic of the meeting will be trespass on national resource land under the following categories: rights-of-way, occupancy, agriculture, unauthorized improvements, grazing, timber, unlawful

enclosures, and minerals and materials. Area managers will survey identified trespass activities on national resource land in the Big Horn Basin and present the public policy questions which arise.

Board meetings are public and interested parties are welcome to attend as space allows. Written presentations may be made to the board through the district manager, Box 119, Worland, Wyoming 82401.

Time will be reserved for oral presentations to the board during the afternoon of July 29. Those wishing to make such presentations should inform the district manager in writing by the close of business July 27 to assure the scheduling of adequate time. Minutes of the meeting are recorded in summary form. If it is wished that a presentation be included verbatim with the minutes of the meeting, a written transcript of remarks should be given the board chairman at the time the oral presentation is made.

Further information concerning the meeting may be obtained from Dave Earley, public affairs officer of the Worland BLM district. His telephone number is 307/347-6151.

PAUL M. ANDREWS,
Acting District Manager.

[FR Doc.76-19076 Filed 6-30-76;8:45 am]

[Wy 54576]

WYOMING

Application

JUNE 25, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Western Nuclear Inc., filed an application for a right-of-way to construct a 2 inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 92 W.,
Sec. 20, W½SE¼;
Sec. 29, W½NE¼.

The pipeline will transport natural gas from an existing pipeline to its facilities in the SE¼ of section 29, T. 28 N., R. 92 W., 6th P.M., Fremont County, Wyoming, for heating and operations purposes.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-19081 Filed 6-30-76;8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 A.M., Monday, July 19, 1976, at Federal Hall National Memorial, 26 Wall Street, New York, New York.

The Commission was established by Public Law 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York.
Archibald S. Alexander, Bernardsville, New Jersey.
John F. Haggerty, Forest Hills, New York.
Orin Lehman, New York, New York.
Gordon N. Litwin, Little Silver, New Jersey.
Terrence D. Moore, Newark, New Jersey.
Sheldon Pollack, New York, New York.
Barbara Reach, New York, New York.
Richard J. Sullivan, Hoboken, New Jersey.
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York.

The matters to be discussed at this meeting include:

1. Planning status report.
2. Operations status report.
3. Sub-committee report presentations.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Joe Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212-252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: June 22, 1976.

JOE ANTOSCA,
Superintendent.

[FR Doc.76-19075 Filed 6-30-76;8:45 am]

NATIONAL CAPITAL PARKS

Authorization of Additional Interpretive Visitor Transportation Services

Public Law 93-62 (Act of July 6, 1973, 87 Stat. 146), directed the Secretary of the Interior to provide interpretive visitor transportation services between or in Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to insure proper management and protection of these areas.

Pursuant to this authority, it has been determined that providing interpretive visitor transportation services between the Mall and the National Visitor Center is desirable to facilitate visitation and to insure proper management and protection of such areas. Therefore, notice is hereby given that, pursuant to the direction of Public Law 93-62 and the authority of the Act of July 25, 1916, as amended and supplemented (16 U.S.C. 1, *et seq.*), interpretive visitor transportation services are to be provided between the Mall and the grounds of the National Visitor Center.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.76-19281 Filed 6-30-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m., August 4-5, 1976, at the Leathem Smith Lodge, Sturgeon Bay, Wisconsin.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: June 21, 1976.

T. S. RONNINGEN,
Acting Administrator.

[FR Doc.76-19043 Filed 6-30-76;8:45 am]

Farmers Home Administration

[Designation Number A355]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Wayne County, Iowa, as a result of drought June 28, 1975, through August 30, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3

(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than August 16, 1976, for physical losses and March 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 23rd day of June, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-19040 Filed 6-30-76;8:45 am]

[Designation Number A353]

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Kentucky Counties as a result of tornadoes March 20, 1976:

Adair	Jessamine
Barren	Mercer
Clark	Metcalfe
Edmonson	

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than August 9, 1976, for physical losses and March 9, 1977, for production losses, except that qualified borowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 23rd day of June, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-19041 Filed 6-30-76;8:45 am]

[Notice of Designation Number A352]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Mississippi Counties as a result of a tornado on March 20, 1976, in Clay County and a tornado on March 29, 1976 in Smith County:

Clay
Smith

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

Applications for emergency loans must be received by this Department no later than August 9, 1976, for physical losses and March 9, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 23rd day of June 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-19042 Filed 6-30-76;8:45 am]

Forest Service

SNAKE RIVER LAND USE PLAN FOR THE WHITE RIVER NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the Snake River Land Use Plan for the White River National Forest. The Forest Service report number is USDA-FS-R2-FES(Adm) FY-76-04.

The environmental statement concerns a proposal to revise the existing multiple use plan for the Snake River drainage for the White River National Forest.

The draft environmental statement was transmitted to CEQ on December 9, 1975.

The final environmental statement was transmitted to CEQ on June 23, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service,White River National Forest, Old Federal Building, P.O. Box 948, Glenwood Springs, Colorado 81601.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Dillon Ranger District, P.O. Box 188, Dillon, Colorado 80435.

A limited number of single copies are available upon request to Thomas C. Evans, Forest Supervisor, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: June 23, 1976.

S. H. HANKS,
Acting Deputy Regional Forester, Resources.

[FR Doc.76-19049 Filed 6-30-76;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Third Quarterly Estimates

Public Law 88-482, approved August 22, 1964, (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such aritcles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by Section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimates for 1976 are published.

1. The estimated quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1976 is 1,120.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1976 is 1,223 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1976 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

This estimate is based on information furnished by the Department of State that the United States has reached agreement in principal with major exporting countries to limit imports to 1,223 million pounds. Formal agreements with participating countries are being concluded. Were it not for the expected voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Done at Washington, D.C., this 28th day of June, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-19035 Filed 6-30-76;8:45 am]

Soil Conservation Service

HALL-FLAT CREEK WATERSHED PROJECT, INDIANA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Hall-Flat Creek Watershed project in Dubois County, Indiana, USDA-SCS-EIS-WS-(ADM)-75-3(F)-IN.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 22 single-purpose 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, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Dated: June 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-19086 Filed 6-30-76;8:45 am]

HONOLUA WATERSHED PROJECT, HAWAII

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 Honolua Watershed project, Maui County, Hawaii, USDA-SCS-EIS-WS-(ADM)-75-1(F)-HI.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, eight desilting basins, about 0.8 mile of floodwater diversions, and about 0.7 mile of floodwater channels.

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, 440 Alexander Young Building, Honolulu, Hawaii 96813.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566.)

Dated: June 24, 1976.

JOSEPH W. HASS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-19085 Filed 6-30-76;8:45 am]

MILL BRANCH WATERSHED PROJECT, GEORGIA

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 Mill Branch Watershed project, Bacon County, Georgia, USDA-SCS-EIS-WS-(ADM)-75-2(F)-GA.

The EIS concerns a plan for watershed protection and flood prevention and drainage. The planned works of improvement provide for conservation land treatment on 9,890 acres of agricultural and forest land, and 43.4 miles of channel work to provide needed flood prevention and drainage. Channel work will be performed on 31.3 miles of streams with ephemeral flow and no defined channel, 0.3 mile of natural streams with intermittent flow, 9.3 miles of streams with intermittent flow and no defined channel, 1.3 miles of manmade channels with ephemeral flow, and 1.2 miles of manmade channels with intermittent flow.

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, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601.

Dated: June 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566.)

[FR Doc.76-19084 Filed 6-30-76;8:45 am]

PINE RIVER WATERSHED PROJECT, WISCONSIN

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR 1500); and the Soil Conservation Service Guidelines (7 CFR 650); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for Pine River Watershed Project, Richland and Vernon Counties, Wisconsin, USDA-SCS-EIS-WS-(ADM)-76-1-(F)-WI.

The EIS concerns a plan for watershed protection, flood prevention, recreation development, and fish and wildlife development. The planned works of improvement provide for conservation land treatment, seven floodwater retarding structures, one dike and outlet system, two multiple purpose reservoirs with capacity for floodwater retarding and recreation, and facilities for recreation at the two dams.

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, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711.

Dated: June 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566)

[FR Doc.76-19083 Filed 6-30-76;8:45 am]

WILL NEILL WATERSHED PROJECT, MISSISSIPPI

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for an independent portion of the Will Neill Watershed Project, Holmes, Leflore, Carroll, and Grenada Counties, Mississippi.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this independent part of the project. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this independent part of this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by 41 multiple purpose channels. Channel work will involve about 14.1 miles of new channel, 51.8 miles of chan-

nel enlargement, 2.0 miles of channel clearing and shaping, and 20.0 miles of channel clearing and debris removal. Of the 73.8 miles of work proposed on existing channels about 8.0 miles will be on man-altered, intermittent flow channels, 34.0 miles on man-altered ephemeral flow channels, 25.1 miles on natural intermittent flow channels, and 6.7 miles on natural ephemeral flow channels. The 14.1 miles of new channels are expected to have intermittent flow through 4.0 miles and ephemeral flow through 10.1 miles.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 590 Milner Building, 310 South Lamar Street, Jackson, Mississippi 39205. A limited number of copies of the negative declaration is available from the same location or P.O. Box 610, Jackson, Mississippi 39205 to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: June 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.76-19082 Filed 6-30-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00332. Applicant: State University of New York at Buffalo, Department of Physics, c/o Facilities Planning, Equipment Section, Hayes Hall, Room 390, Buffalo, New York 14214. Article: NMR Pulsed Spectrometer, Model CPS-2 and Oscillator, Model MO-100. Manufacturer: Spin Lock Electronics Co., Canada. Intended use of article: The article is intended to be used in advanced and graduate laboratory course of the department of physics to introduce students to modern physics experimental techniques, using modern electronic instrumentation, and performing significant experimental measurements which require advanced theoretical interpretation. The article will also be used in performing biophysics experiments. Application received by Commissioner of Customs: March 9, 1976.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article provides the specification of a coherent pulsed magnetic resonance spectrometer. The applicant intends to use the article in advanced courses involving the techniques of pulsed magnetic resonance. The article will be used to perform experiments unique to this technique (e.g., relaxation in the rotating frame). In this connection, the National Bureau of Standards (NBS) advises in its memorandum dated June 9, 1976 that the characteristics of the article described above are pertinent to the applicant's intended use. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-19016 Filed 6-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Annual Report

The 1975 Annual Report of the Advisory Committee on Accreditation and Institutional Eligibility, which includes a summary of the Committee's activities during closed sessions of its meetings, pursuant to section 10(d) of the Federal Advisory Committee Act (P.L. 92-463), has been completed. Requests for the reports will be held until printed copies are available, probably in early July 1976. Requests may be addressed to the Division of Eligibility and Agency Evaluation, U.S. Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on June 24, 1976.

JOHN R. PROFFITT,
Acting Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc.76-19050 Filed 6-30-76;8:45 am]

TITLE I AUDIT APPEAL

Approval of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of Iowa and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1966, through June 30, 1969, by the State Education Agency. The amount involved in the subject audit appeal is $137,391. The local education agency involved is the Des Moines Independent Community School District. The Audit Control Number is ACN: 00001-06.

The prehearing conference will be held at 10:30 a.m. on September 15, 1976, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C. A prehearing conference for this same purpose, announced by publication in the FEDERAL REGISTER on August 20, 1974, was cancelled by written notice to the parties in order to permit study of the possible implications of new legislation bearing on audit settlements.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before August 15, 1976.

(20 U.S.C. 241a, 1232c)

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

JUNE 25, 1976.

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Admin-

istration: 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

[FR Doc.76-19068 Filed 6-30-76;8:45 am]

Food and Drug Administration

[Docket No. 75N-0338]

ALCOHOLIC BEVERAGES

Postponement of Date for Enforcement of Labeling Requirements

The Food and Drug Administration (FDA) is postponing to January 1, 1978 the date after which it wil begin enforcement of the food labeling requirements of the Federal Food, Drug, and Cosmetic Act, and regulations promulgated thereunder, with respect to alcoholic beverages shipped in interstate commerce.

In a notice published in the FEDERAL REGISTER of November 24, 1975 (40 FR 54455), the Commissioner of Food and Drugs stated that after January 1, 1977, regulatory action would be taken against alcoholic beverages shipped in interstate commerce which do not comply with the food labeling requirements of the act and regulations promulgated thereunder. The purpose of that announcement was to make clear that labels of acoholic beverages would be required to bear a statement of all ingredients, in accordance with section 403(i) of the act (21 U.S.C. 343(i)). The notice also invited the submission of petitions for any special provisions dealing with the labeling of alcoholic beverages that might be necessary or appropriate.

Since the publication of that notice, FDA has taken steps to clarify the requirements for ingredient labeling of alcoholic beverages to enable manufacturers to pan and implement the necessary labeling changes. For example, the agency prepared and distributed a booklet illustrating alcoholic beverage labels that would meet the requirements of current regulations, notice of availability of which was published in the FEDERAL REGISTER of May 5, 1976 (41 FR 18538). In addition, FDA has been engaged in discussions with the Bureau of Alcohol, Tobacco and Firearms (BATF) of the Department of the Treasury, which has responsibility for enforcement of the Federal Alcohol Administration Act, to assure that labeling requirements of the two agencies are compatible. A memorandum of a meeting between the Acting Director, BATF, and the Commissioner, held June 16, 1976, is on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

These discussions, although they have confirmed that agreement on labeling requirements to assure that consistency will be achieved, have not yet produced definitive agreement on all specific requirements, such as the proper names of particular classes of products and the manner of declaring the place of manufacture. Consequently, at this time a manufacturer of alcoholic beverages cannot order revised labeling to declare ingredients with assurance that the other portions of such labeling will be acceptable to both agencies.

The Commissioner has received a petition dated May 31, 1976, from the United States Brewers Association, Inc., and the Brewers' Association of America requesting that the date for regulatory action be postponed until after January 1, 1978. The petition is on file with the Hearing Clerk, Food and Drug Administration. The petitioners assert that it will be difficult and extremely costly for alcoholic beverage manufacturers to meet the January 1, 1977 date, and, thus, ultimately costly for consumers of such products. They point out that compliance by that date would involve revision of labels for their members' products at a time when a number of important labeling questions remain open.

The Commissioner further advises that requests for advisory opinions concerning labeling requirements and petitions for the promulgation of special labeling regulations have been received from the United States Brewers Association, Inc., and the Brewers' Association of America. Copies of these requests and petitions, which are now under consideration, are likewise on file with the Hearing Clerk, Food and Drug Administration.

As the petitions and requests for advice illustrate, manufacturers of alcoholic beverages face still unresolved problems in determining the proper labeling for their products. It is the Commissioner's intention that manufacturers should be granted a reasonable time to label their products after these problems have been resolved. Accordingly, the Commissioner hereby extends the date on which regulatory action may be taken against alcoholic beverages not in compliance with the labeling requirements of the act to January 1, 1978.

The Commissioner again invites petitions from other manufacturers of alcoholic beverages for the establishment of any special provisions in applicable regulations that may be necessary to accommodate problems peculiar to the labeling of alcoholic beverages. At the same time, he reaffirms the agency's policy that, as foods, alcoholic beverages are required to bear on their label a declaration of ingredients. The purpose of this notice is to facilitate relabeling of such products to achieve this objective at the earliest practicable date without subjecting such products to mutually inconsistent requirements for other label information.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047-1048 as amended, 1055 (21 U.S.C. 343, 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)).

Dated: June 28, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-19232 Filed 6-30-76;8:45 am]

[NADA No. 36-054V]

PFIZER, INC.

Injectable Iron; Withdrawal of Approval of New Animal Drug Application

The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) for iron-hydrogenated dextran injectable, effective July 1, 1976.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

Pfizer, Inc., 235 East 42nd St., New York, NY 10017, is the holder of approved NADA No. 36-054V for an iron-hydrogenated dextran injectable for use in the prevention and treatment of iron deficiency anemia in baby pigs. In response to an inquiry from FDA concerning current use of the product, the firm has requested that approval of the application be withdrawn and has waived an opportunity for a hearing since the product is no longer being marketed.

Therefore, in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA No. 36-054V and all supplements and amendments thereto is hereby withdrawn without prejudice, effective July 1, 1976.

Dated: June 24, 1976.

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

[FR Doc.76-19021 Filed 6-30-76;8:45 am]

[NADA No. 3-252V]

HESS & CLARK DIVISION, RHODIA INC.

PTZ Powder; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

The Food and Drug Administration is withdrawing approval of the new animal drug application (NADA) 3-252V held by Hess & Clark, Division of Rhodia Inc., Ashland, OH 44805, which provides for use of phenothiazine powder in the control and treatment of internal parasite infections of sheep, goats, cattle, horses, chickens, and turkeys. The applicant has requested that approval of the application be withdrawn since the drug is no longer marketed; the applicant has also waived opportunity for hearing.

Therefore, in accordance with § 514.115 (21 CFR 514.115), notice is given that

approval of NADA No. 3-252V and all supplements and amendments thereto is hereby withdrawn, effective July 1, 1976.

Dated: June 24, 1976.

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

[FR Doc.76-19023 Filed 6-30-76;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to provide for certain changes in Chapter 1T90 "Office of Personnel and Training" (38 FR 34753, 12/18/73 and 40 FR 11626, 3/12/75).

Chapter 1T90 has been revised to provide for the consolidation of the Personnel Payroll Systems Integration Staff, the Office of Personnel Management Information and Reports, and the Division of Central Payroll into a new organization to be known as the Employee Systems Center. Chapter 1T90 is revised as follows:

SECTION 1T90.10 ORGANIZATION

Delete:
- Personnel-Payroll Systems Integration Staff
- Office of Personnel Management Information and Reports
- Division of Central Payroll

Add:
- Employee Systems Center

SECTION 1T90.20 FUNCTIONS

Delete:
6. Personnel-Payroll Systems Integration Staff
7. Office of Personnel Management Information and Reports
10. Division of Central Payroll

Renumber:
- 8 to become 6 Office of Executive Manpower and Career Development
- 9 to become 7 Office of Personnel Policy and Planning

Add:
8. Employee Systems Center which insures an accurate and timely payroll for all HEW employees; develops, maintains, and administers automated systems for the production of reports based on payroll and personnel data; develops, maintains and administers automated systems to make the operations of the personnel and payroll offices more efficient and effective; and reviews existing and proposed agency personnel systems to determine the advisability of consolidating these systems into the existing Departmental payroll/personnel system.

Dated: June 22, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-19046 Filed 6-30-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-020]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Consideration, Bridge Permit Actions

On March 11, 1976, the Coast Guard published a notice in the FEDERAL REGISTER (41 FR 10464) which proposed an amendment to the *COMMANDANT INSTRUCTION* 5922.10B, Procedures for Considering Environmental Impacts. The amendment proposed is an Enclosure (6) which was guidance for determining whether a bridge permit action is a major or a non-major Federal action under the guidelines of the Council on Environmental Quality (40 CFR Part 1500).

Six parties commented upon the proposed amendment. One commenter suggested that paragraph 2a, which lists reconstruction of an existing bridge "on the same alignment" as being a probable "non-major" project, be amended to state that the bridge be "essentially on the same alignment or location." The Coast Guard agrees that this is practical, that the proposed language is too narrow, and has amended paragraph 2a accordingly.

Another commenter requested clarification of the term "widening less than a single lane" in paragraph 2b because it is not clear whether "widening" refers to the overall width of the bridge or just the traveled portion of the roadway. The commenter suggested that the addition of shoulders, walkways, and bikeways should be interpreted as a non-major action. The commenter finally suggested that widenings of greater than a single lane to make the bridge roadway comparable to the width of an existing approach roadway should be interpreted as non-major. Paragraph 2b has been amended to clarify that the addition of shoulders, walkways, and bikeways and the widening of approaches by less than the width of a single travel lane is a probable non-major action; however, the Coast Guard considers the widening of the roadway beyond the width of a single travel lane for any reason to have a probable significant impact upon the human environment.

One comment was that paragraph 2e should include the permanent replacement of a bridge after a "natural disaster" or "catastrophic failure" as a probable non-major action. The Coast Guard considers any new permanent structure as having a probable long term effect upon the human environment, especially the effect upon the environmental aspects of navigation. Therefore, this paragraph remains unchanged.

Another comment was that the Coast Guard's procedures, including their language, be identical to those of the Federal Highway Administration (FHWA) and that the Coast Guard accept FHWA decisions as final when the FHWA acts as the lead agency. The Coast Guard agrees that agreement with a FHWA determination is desirable; however, if a FHWA determination conflicts with or does not take into account an area of Coast Guard responsibility, the Coast Guard must act accordingly and not accept a FHWA determination on its face.

One commenter suggested that paragraph 4 be revised. Paragraph 4 states that certain bridge projects in areas that are normally non-major may be classified as major if new information shows a significant environmental impact from the proposed project. The commenter was concerned that this paragraph 4 was not clear as to what type of information might cause a change in categorization of a project from non-major to major. After considering this comment, the Coast Guard concludes that the paragraph clearly states that any new information received during the public comment period for a particular project would be fully considered by the Coast Guard to determine if that information shows that there is a significant impact that warrants a change in categorization. That specific type of information is unqualifiable and must be identified on a case-by-case basis.

Other commenters suggested that paragraph 5, which describes the National Environmental Policy Act of 1969 (NEPA) requirements for major actions, be revised to include a description of an action that requires only a negative declaration. Paragraph 5 has been revised accordingly.

Another comment on paragraph 5 was that the process for determination of whether a project is major or non-major should be further defined. The Coast Guard agrees that the guidance in this enclosure is not enough; however, this guidance supplements the guidelines for the substantive process of environmental consideration for Coast Guard actions in the Commandant Instruction. This enclosure and the guidelines in the Commandant Instruction define the process that must be followed to meet the requirements of NEPA in a bridge permit action.

One commenter suggested that paragraph 7, which states that acts other than NEPA that concern environmental protection and may affect a bridge permit action, should include the Fish and Wildlife Coordination Act (Pub. L. 85-624), the Endangered Species Act (Pub. L. 93-205), and § 404 of the Federal Water Pollution Control Act (Pub. L. 92-500). The list of acts in paragraph 7 is not intended to be inclusive. A complete listing is already in the Commandant Instruction to which this is an amendment.

In consideration of the foregoing, an Enclosure (6) to Commandant Instruction 5922.10B, which follows, is issued and is effective immediately.

(42 U.S.C. 4321, et seq; E.O. 11514, 35 FR 4247; 40 CFR Part 1500; DOT Order 5610.1B, 39 FR 35235)

Dated: June 23, 1976.

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

Change 1 to Commandant Instruction

5922.10B PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Encl (6) to COMDTINST 5922.10B

BRIDGE PERMIT ACTIONS

Bridge permit actions under consideration by the Coast Guard may be classified as major or non-major federal actions for the purpose of the National Environmental Policy Act (NEPA) of 1969. However, any permit actions which involve significant environmental impacts shall be considered major federal actions.

1. Examples of typical bridge projects that would ordinarily be considered major actions include:

a. A new bridge in connection with a circumferential or arterial highway or a new freeway or expressway, main line railroad, major gas or petroleum pipeline or other major transportation system mode.

b. A new or substantially altered bridge which provides new access to an area and is likely to precipitate significant changes in land use, natural resource exploitation or development use.

Frequently these major permit actions will also involve waterways which support a significant amount of commercial or recreational vessel activity. In these waterways, improper location or alignment of bridge piers or bridge structure may result in collisions. A major collision and spill could have a catastrophic impact on the marine as well as terrestrial environment.

2. A non-major determination may be appropriate if the bridge project for which a permit application is submitted can be accurately described as one of the following:

a. Reconstruction of an existing bridge on essentially the same alignment or location;

b. Reconstruction or modernization of an existing bridge or approaches by widening by less than a single travel lane, adding shoulders or safety lanes, walkways, bikeways or pipelines;

c. Temporary replacement of a bridge which is commenced immediately after the occurrence of a natural disaster or catastrophic failure where such bridge project is related to public safety, health and welfare.

Such projects will frequently be located on waterways which are navigable waters of the United States, but are not navigable in fact or if navigable in fact, support only an insignificant amount of commercial or recreational vessel activity. The waterways so described do not carry the type or volume of marine traffic that could through collision or other catastrophic involvement with a bridge structure create a condition that would significantly affect the environment. Therefore, projects described in (a) through (c) above generally will not through either the marine mode of transportation under the bridge or the land mode across the bridge structure cause a significant environmental impact.

3. Other actions related to the Bridge Administration Program that are normally non-major federal actions include:

a. Approval of extension of time to commence or complete construction pursuant to an existing Coast Guard permit;

b. Approval of deviations from approved plans which do not significantly alter the approved location or plans;

c. Promulgation of operating regulations for drawbridges.

4. Bridge construction projects will arise that are not easy to classify as major or non-major actions. Certain bridge projects normally classified as non-major actions may be classified as major actions by the Coast Guard district commander when he determines that special consideration may warrant such action. In all cases determined to be non-major, the district commander may, upon receipt of documentation in response to the normal circulation of the Coast Guard public notice describing the project, decide that the proper category for the project should be changed to major and subsequently treat the project in that fashion based on new information identifying significant environmental impacts.

5. Permit actions determined to be major federal actions require an environmental impact statement if the impacts are significant or a negative declaration if the impacts are not significant.

6. Permit actions determined to be non-major are not subject to the provisions of section 102(2)(C). However, each case determined to be non-major shall be appropriately documented to demonstrate that project review supports the non-major decision.

7. Bridge projects classed as non-major actions, not subject to section 102(2)(C) provisions of NEPA, may be subject to specific Acts of environmental protection such as section 4(f) of the DOT Act and section 106 of the National Historic Preservation Act. They shall be processed accordingly under the provisions of these Acts.

8. The Coast Guard has a Memorandum of Understanding with the Federal Highway Administration (FHWA) under which the Coast Guard generally accepts the FHWA environmental documentation under the "lead agency" concept where the proposed bridge is located on a federal-aid highway project. This "lead agency" concept shall extend to the major/non-major categorization of projects except in instances where the district commander has reason to question the adequacy of an FHWA non-major determination in relation to a specific bridge project. Such a situation is most likely to arise where an FHWA non-major determination is related to a project crossing a stream or waterway that carries a significant amount of navigation. In these cases the Coast Guard district commander's investigation shall determine whether the non-major determination can be accepted or the more formal EIS or negative declaration should be utilized.

[FR Doc.76-19098 Filed 6-30-76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA), Executive Committee to be held July 23, 1976, at 9:30 a.m., in RTCA Conference Room 261, 1717 H St., NW., Washington, D.C. 20006. The agenda for this meeting is as follows: (1) Approval of minutes of May 26, 1976, meeting, (2) Special Committee Activities Report for May-June 1976, (3) Chairman's Report of RTCA Administration and Activities, (4) Appointment of Ad hoc Administrative Committee and (5) Report of the Ad hoc RTCA Future Work Program Planning Group.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H St., N.W., Washington, D.C., 20006, (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on June 25, 1976.

HUGH E. WATERMAN,
Designated Officer.

[FR Doc.76-19092 Filed 6-30-76;8:45 am]

Office of Hazardous Materials Operations

EXEMPTIONS OR RENEWALS

Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans-Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in triplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

New exemption [1]

Application No.	Applicant	Regulation(s) affected	Nature of application
7429-N	Ethyl Corp., Baton Rouge, La.	49 CFR 173.346;46 CFR 146.25-200.	To authorize shipment of a certain class B poison liquid in DOT specification 51 portable tank (Modes 1 and 3).
7430-N	Fabricated Metals, Inc., San Leandro, Calif.	49 CFR 173.245, 173.247, 173.249, 173.277, 173.289.	To authorize shipments of certain corrosive liquids in a DOT specification 57 portable tank. (Modes 1 and 2.)
7431-N	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.365	To authorize shipments of 2,4-dinitrophenol, containing not less than 15 pct water in DOT-56 portable tanks. (Mode 1.)
7432-N	United States Steel Corp., Atlanta, Ga.	49 CFR 173.358, 173.359.	To authorize shipments of methyl parathion and mixtures thereof in a DOT specification MC-330 cargo tank. (Mode 1.)
7433-N	Ciba-Geigy Corp., Ardsley, N.Y.	49 CFR 173.154	To authorize shipments of dry sodium methylate in non-DOT specification drums which are equivalent to DOT specification 37A drums. (Mode 1.)
7434-N	Natico, Inc., Chicago, Ill	49 CFR 173.1, subpt. C, subpt. E, subpt. G, and 177.854.	To authorize the use of a non-DOT specification 65-gal, 16-gage carbon steel drum for the shipment of damaged, leaking, or defective DOT specification 17-C or 17-E metal drums. (Modes 1 and 2.)
7439-N	Bernzomatic Corp., Rochester, N.Y.	49 CFR 173.304(e), 178.33, 178.33a.	To authorize shipments of dichlorodifluoromethane in a container complying with DOT 2P and 2Q except it is of 55-in³ capacity and equivalent to DOT specification 39 in strength. (Modes 1 and 2.)
7440-N	Roux Laboratories, Inc., Jacksonville, Fla.	49 CFR 173.306(a)(3); 46 CFR 146.24-20.	To ship a nonflammable compressed gas formulation in aluminum containers having capacity not exceeding 58 in³ overpacked in fiberboard boxes. (Modes 1, 2, and 3.)
7441-N	The Drackett Products Co., Cincinnati, Ohio.	49 CFR 173.244(a); 46 CFR 146.23-30.	To qualify 32 oz inside polyethylene bottles of 2 corrosive liquids consumer commodities overpacked in DOT-12B fiberboard boxes under the partial exemptions of §173.244(a). (Modes 1, 2, and 3.)

Renewals [2]

7435-X	Ross Aviation, Inc., Albuquerque, N. Mex.	14 CFR 103.3, 103.9, 103.11.	To amend exemption 1671B, pertaining to shipments of explosives by cargo-only aircraft by substituting app. B of 49 CFR pt. 107 for present appendix. (Mode 4.)
7436-X	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	46 CFR 146.27-100	To renew USCG SP 15-73 authorizing the shipment of ferrophosphorous in fiber drums having an aluminum foil moisture barrier. (Mode 3.)
7437-X	Air Products & Chemicals, Inc., Allentown, Pa.	46 CFR 146.24-55(a)	To renew USCG SP 28-69 authorizing a deviation for the stowage of flammable and nonflammable compressed gases. (Mode 3.)
7438-X	Ethyl Corp., Baton Rouge, La.	49 CFR 173.354(a)(5)	To renew SP AA201 authorizing shipment of motor fuel antiknock compound in cargo tanks built to specification U-68. (Mode 1.)
7442-X	JSR America, Inc., New York, N.Y.	46 CFR 98.35-3, 90.05-35.	To amend USCG SP 48-75 to allow a start-to-discharge setting of 10 lb/in²g for the pressure relief valves on the portable tanks described therein. (Mode 3.)
2326-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.77	To renew SP 2326 authorizing shipments of an initiating explosive in DOT-12H fiberboard boxes. (Mode 1.)
2732-X	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.65	To renew SP 2732 authorizing shipments of high explosives in special packagings. (Modes 1 and 2.)
3128-X	Walter Kidde & Co., Inc., Bellville, N.J.	49 CFR 173.304(a); 46 CFR 146.24-100; 14 CFR 103.9.	To renew and amend SP 3128 authorizing shipments of a compressed gas generator in non-DOT specification welded cylinder. (Molds 1, 2, 3, and 4.)
3744-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.266(b)(7)	To renew SP 3744 authorizing shipments of hydrogen peroxide in a 55-gal DOT specification 21P/2SL container. (Modes 1 and 2.)
4010-X	Michigan Chemical Corp., Chicago, Ill.	49 CFR 173.262(b)(2)	To renew SP 4010 authorizing the shipment of hydrobromic acid in a DOT specification 6D/2SL container. (Modes 1 and 2.)
4108-X	Southern Oxygen Supply Co., Atlanta, Ga.	49 CFR 173.315(a)(1)	To renew SP 4108 authorizing the shipment of liquid oxygen in non-DOT specification cargo tanks. (Mode 1.)
4175-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.302(a)(3)	To renew SP 4175 authorizing shipments of boron trifluoride in manifolded DOT specification 3AAX2400 cylinders. (Mode 1.)
4247-X	High Point Chemical Corp., High Point, N.C.	49 CFR 173.223(a)	To renew SP 4247 authorizing shipments of peracetic acid in DOT-21P/2SL packaging. (Mode 1.)
4390-X	Eastman Kodak Co., Rochester, N.Y., and Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.245, 173.247, 173.263, 173.268, 173.269, 173.272, 173.349.	To renew SP 4390 authorizing the shipment of various corrosive liquids in a non-DOT specifications, 6½-gal glass carboy overpacked in an expanded polystyrene container. (Modes 1, 2, and 3.)

New exemption [1]—Continued

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals [2]—Continued	
4429-X	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.289(a)(2)	To renew SP 4429 authorizing shipments of formic acid in certain DOT specification tank cars. (Mode 2.)
4460-X	Ethyl Corp., Baton Rouge, La.	46 CFR 146.22-100	To renew SP 4460 authorizing shipments of sodium, metallic in DOT-51 portable tank via water. (Mode 3.)
4586-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.247(a), 173.271(a); 46 CFR 146.23-100.	To renew SP 4586 authorizing the shipment of certain corrosive liquids in a DOT specification 6D cylindrical steel overpack with an inside polyethylene liner fabricated from type III polyethylene. (Modes 1, 2, and 3.)
4852-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.299(a); 46 CFR 146.23-100.	To renew SP 4852 authorizing shipments of etching acid in DOT-6D or 37M/2S or 2SL packaging up to 55-gal. capacity. (Modes 1, 2, and 3.)
4866-X	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.223(a)(1)	To renew SP 4866 authorizing shipments of peracetic acid in a vented inside 1-gal. polyethylene container. (Modes 1 and 2.)
5064-X	FMC Corp., Philadelphia, Pa.	49 CFR 173.377(g); 46 CFR 146.25-200.	To renew SP 5064 authorizing shipments of certain class B poisonous solids in DOT-44B bags having inner DOT-2D bags. (Modes 1, 2, and 3.)
5136-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.302, 173.304.	To renew SP 5136 authorizing shipments of certain liquefied and nonliquefied gases in DOT specification 4AA480 cylinders. (Modes 1, 2, and 3.)
5196-X	Ethyl Corp., Baton Rouge, La.	49 CFR 173.315(a)	To amend SP 5196 by adding anhydrous hydrogen chloride for shipment in non-DOT specification tank motor vehicles. (Mode 1.)
5513-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a)(1)	To renew SP 5513 authorizing shipments of pressurized liquid oxygen or nitrogen in DOT-51 type portable tanks designed for cryogenic liquids. (Mode 1.)
5548-X	Pierce & Stevens Chemical Corp., Buffalo, N.Y.	49 CFR 173.132(a)	To renew SP 5548 authorizing shipments of nonviscous cement in DOT-57 portable tanks. (Mode 1.)
5719-X	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(j); 46 CFR 146.25-200.	To renew SP 5719 and allow a 6 lb net weight incease of organic phosphate compound dry mixtures in the 6 ply DOT-44D paper bag. (Modes 1, 2, and 3.)
5818-X	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.396	To renew SP 5188 authorizing shipments of uranyl nitrate solution in MC-312 tank motor vehicles. (Mode 1.)
5854-X, 6720-X	Sealand Service Inc., Elizabeth, N.J.	49 CFR 178.341-4(b)	To amend SP 5854 and 6720 by deleting the requirement for vacuum relief devices on intermodal portable tanks. (Modes 1, 2, and 3.)
6009-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.245a	To renew SP 6009 authorizing shipments of a corrosive liquid in specification 51-type monel portable tanks. (Modes 1 and 3.)
6064-X	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.65(e), 178.24-4(a).	To renew SP 6064 authorizing shipments of picric acid, wet in DOT-21P fiber drum having inside polyethylene container. (Mode 1.)
6197-X	Providence Gas Co., Providence, R.I.	49 CFR 173.315(a)(1)	To renew SP 6197 authorizing shipments of liquefied natural gas and methane in tank motor vehicles. (Mode 1.)
6205-X	Northern Petrochemical Co., Des Plaines, Ill.	do	To renew SP 6205 authorizing the shipment of liquefied natural gas or liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6309-X	Olin Corp., Stamford, Conn	do	To amend SP 6309 to allow an increase of up to 1,850-gal tanks for the shipment of certain formulations of a urethan foaming-in-place material. (Mode 1.)
6498-X	Luxfer USA Ltd., Riverside, Calif., and Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.302(a)(1), 173.304 (a), (d), 173.336(a)(2), 173.337 (a)(1); 46 CFR 146.24-100; 14 CFR 103.9.	To renew SP 6498 authorizing shipments of compressed gases and other hazardous materials in seamless aluminum cylinders. (Modes 1, 2, 3, and 4.)
6502-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.34(e)(15)	To renew SP 6502 authorizing the shipment of sulphur hexafluoride in DOT specification 3A and 3AA cylinders with retest period extended to 10 yrs. (Modes 1 and 2.)
6589-X	Robertshaw Controls Co., Anaheim, Calif.	49 CFR 173.302 (a); 14 CFR 103.9	To amend E-6589 by providing for shipments to be made by distributors of Robertshaw Controls Co. (Modes 1, 2, and 4.)
6625-X	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.205(a)(1)	To renew SP 6625 authorizing shipments of sodium picramate, wet in DOT-21P/2U packaging. (Mode 1.)
6671-X	Hercules Inc., Wilmington, Del.	49 CFR pt. 173, 177.854.	To renew SP 6671 authorizing return of damaged class B poisons in DOT specification drums over-packed in steel drums. (Modes 1 and 2.)
6755-X	Lincoln Welding Supply Co., Lincoln, Nebr.	49 CFR 173.315(a)(1)	To renew SP 6755 authorizing the shipment of pressurized liquid argon, nitrogen, or oxygen in non-DOT specification cargo tanks. (Mode 1.)
6779-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.360	To renew SP 6779 authorizing shipments of perchloro-methyl-mercaptan in DOT-51 monel-clad portable tank. (Mode 1.)
6792-X	Great Lakes Chemical Corp., El Dorado (Ark., and Mich.), and Chemical Corp., Chicago, Ill.	49 CFR 173.353(a); 46 CFR 146.25-200.	To renew SP 6792 authorizing the packaging prescribed in 173.353(a) for pressurized methyl bromide-chloropricrin (2 pct) mixture. (Modes 1, 2, and 3.)
6801-X	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.119(a), (e).	To renew SP 6801 authorizing shipments of a flammable liquid in glass bottles in DOT-12B boxes. (Modes 1 and 2.)
6806-X	Dow Chemical Co., Midland, Mich.	14 CFR 103.7	To renew SP 6806 authorizing shipments of hydrogen gas in a DOT specification 3E1800 cylinder as a component part of a portable gas chromatograph device. (Mode 5.)

New exemption [1]—Continued

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals [2]—Continued	
[6]825-X	Cosden Oil & Chemical Co., Big Spring, Tex.	49 CFR 173.314(c)	To renew SP 6825 authorizing shipments of liquefied ethylene in 113C120W tank cars. (Mode 2.)
6892-X	Mattel Inc., Hawthorne, Calif.	14 CFR 103.9	To amend SP 6892 by authorizing shipments of toy caps by aircraft. (Mode 4.)
6895-X	Westinghouse Electric Corp., Bloomfield, N.J.	49 CFR 173.140(a)(1); 14 CFR 103.9(a)(2); 46 CFR 146.21-100.	To renew SP 6895 authorizing the shipment of a zirconium liquid mixture in 5-gal DOT specification 37A steel drums with inside 8-oz French Square glass bottles. (Modes 1, 2, 3, and 4.)
6898-X	Allied Chemical Corp., Morristown, N.J., and Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 178.150-4; 46 CFR 146.23-100.	To renew SP 6898 authorizing shipments of corrosive liquids in DOT-33A cases closed with polypropylene or equivalent. (Modes 1, 2, and 3.)
6921-X	Gardner Cryogenics, Division of Carpenter Technology Corp., Bethlehem, Pa.	49 CFR 173.315; 46 CFR 146.24-100.	To renew SP 6921 authorizing shipments of liquefied helium in non-DOT specification portable tanks. (Modes 1 and 3.)
6941-X	Allied Chemical Corp., Morristown, N.J., and Mobay Chemical Corp., Pittsburgh, Pa.	49 CFR 173.346(a)(12); 46 CFR 146.25-200.	To renew SP 6941 authorizing shipments of toluene diisocyanate in MC-304 or MC-307 tank motor vehicles having bottom outlets with external valves. (Modes 1 and 3.)
6983-X	National Aeronautics and Space Administration, Houston, Tex.	49 CFR 173.34(d), 173.302(a)(1).	To renew SP 6983 authorizing shipments of oxygen in non-DOT specification cylinders. (Modes 1 and 4.)
7006-X	Ciba-Geigy Corp., Greensboro, N.C.	49 CFR 173.359(a)(14)	To renew SP 7006 authorizing shipments of an organic phosphate compound mixture in containers conforming to DOT specification 6D/2S except for embossment. (Modes 1 and 2.)
7007-X	Allied Chlorine & Chemical Products, Inc., Miami, Fla., and Jones Chemicals, Inc., Caledonia, N.Y.	49 CFR 173.314, 179.3; 46 CFR 146.24-100.	To renew SP 7007 authorizing shipments of chlorine in DOT specification 110A500-W tanks. (Modes 1 and 3.)
7014-X	Hugonnet SA, Paris, France	49 CFR 173.125(a); 46 CFR 146.21-100.	To renew SP 7014 authorizing shipments of ethyl alcohol in non-DOT specification stainless steel portable tanks. (Modes 1, 2, and 3.)
7022-X	Monsanto Co., St. Louis, Mo.	49 CFR 173.217(a)	To renew SP 7022 authorizing shipments of an oxidizing material in DOT-56 portable tanks. (Mode 1.)
7024-X	Burlington Industries, Inc., Burlington, N.C.	49 CFR 173.249(a)(7)	To renew SP 7024 authorizing shipments of a corrosive liquid in large rubber tanks. (Mode 1.)
7027-X	Borden, Inc., Columbus, Ohio.	49 CFR 173.358, 173.359.	To renew SP 7027 authorizing shipments of certain class B poisonous liquids in non-DOT specification portable tanks. (Mode 1.)
7032-X	Polaroid Corp., Needham, Mass.	14 CFR 103.9	To renew SP 7032 authorizing shipments of a corrosive solid in steel drums exceeding 100 lb net weight each. (Mode 4.)
7040-X	....do	....do	To renew SP 7040 authorizing air shipments of a corrosive liquid, n.o.s. in DOT-6D/2SL packaging exceeding volume limit. (Mode 4.)
7045-X	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.242(c), 173.245(a)(18).	To renew SP 7045 authorizing shipments of photographic processing mixtures in inside polyethylene bottles having a capacity of 160 fluid ounces. (Modes 1, 2, and 3.)
7048-X	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.365(a)	To renew SP 7048 authorizing shipments of a class B poisonous solid in DOT-21 C400 fiber drum having net weight not exceeding 350 lbs. (Mode 1.)
7071-X	Philip A. Hunt Chemical Corp., Palisades Park, N.J.	49 CFR 173.242(c); 46 CFR 146.23-100.	To amend DOT-E 7071 to authorize an increase in the number of inside polyethylene bottles in 1 outside fiberboard box. (Modes 1, 2, and 3.)
7076-X	La Motte Chemical Products Co., Chestertown, Md.	49 CFR 173.286(b)	To amend SP 7076 by authorizing an additional style polypropylene chemical kit. (Modes 1 and 2.)
7244-X	United Airlines, San Francisco, Calif.	14 CFR 103.3(a), 103.7(b)(3), 103.31(a).	To amend DOT-E 7244 to authorize the carriage of organ transplant modules aft of the foremost passenger. (Mode 5.)
		Parties to an exemption [3]	
1479-P	Hercules, Inc., Magna, Utah	49 CFR 173.315(a)(1)	To become party to E 1479 authorizing shipments of liquid fluorine in tank motor vehicles.
5456-P	Monsanto Co., St. Louis, Mo.	49 CFR 173.245	To become a party to DOT-E 5456 authorizing shipments of corrosive liquids in a glass bottle polystyrene overpack.
5662-P	Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.353(a), 173.401(a); 46 CFR 146.25-200.	To become party to E 5662 authorizing shipments of methyl bromide, etc., DOT-51 portable tanks.
6151-P	Residex Corp., Clark, N.J.	49 CFR 173.302(a), 173.304(a), 173.305(c).	To become party to E 6151 authorizing shipments of compressed gases in DOT-39 cylinders with certain exceptions.
6258-P	J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 173.119(a)(23)	To become party to E 6258 authorizing shipments of flammable liquids in DOT-2E/12B packages.
6325-P	Atlas Powder Co., Dallas, Tex.	49 CFR 173.182	To become a party to SP 6325 authorizing shipments of nitro carbonitrate in DOT specification MC-306, 307, or 312 cargo tanks.
6870-P	Goodyear Atomic Corp., Piketon, Ohio, and Nuclear Fuel Services, Inc., Erwin, Tenn.	49 CFR 177.824(b)	To become party to E 6870 authorizing deviation from the separation distances specified for packages of radioactive material.
7223-P	Frontier Airlines, Inc., Denver, Colo.	14 CFR 103.19(c)	To become party to E 7223 authorizing shipments of company-owned electric storage batteries in an inaccessible cargo pit or bin.
7232-P	Air Products & Chemicals, Inc., Wayne, Pa.	49 CFR 173.148	To become party to E 7232 authorizing shipments of monoethylamine, 70 percent in water.

Application No.	Applicant	Regulation(s) affected	Nature of application
		Parties to an exemption [2]—Continued	
7259–P	Monsanto Co., St. Louis, Mo.	46 CFR 146.22–100	To become party to E 7259 authorizing shipments of phosphorus pentasulfide in DOT–56 portable tanks via water.

[1] The closing date for filing comments on the above applications is July 30, 1976.
[2] The closing date for filing comments on the above applications for renewals and for parties to an exemption is July 15, 1976.

DR. C. H. THOMPSON,
Chief, Regulations Division, Office of Hazardous Materials Operations.

[FR Doc.76–18756 Filed 6–30–76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76–3; Notice 2]

BRITISH LEYLAND UK LTD.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice grants the petition by Leyland Cars Division, British Leyland UK Ltd., Coventry, England, to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Control Location, Identification, and Illumination*. The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on April 5, 1976 (41 FR 14426), and an opportunity afforded for comment.

Petitioner manufactured 11,750 Triumph Spitfire Mark 4 passenger cars between September 1, 1974, and Febuary 4, 1976, that it concluded did not comply with Standard No. 101. The noncompliance was the failure to identify the lamp control with the word "lights". The control, however, was marked with the symbol that the standard allows as a supplementary means of identification. The company's arguments for inconsequentiality were that:

1. The control is positionally isolated from other controls, thus reducing the likelihood that it would be mistaken for another control function.

2. The control is identified by the symbol which clearly indicates its function even though the wording has been omitted.

3. There have been no complaints from owners about the omission or reports of accidents to which the omission has contributed.

Comments in support of the petition were received from General Motors Corporation and Bayerische Motoren Werke. No comments were received opposing it.

The lamp control is located in the center of the dashboard, and isolated from the other controls. It is identified by an internationally recognized symbol depicting a headlamp with light beams emitted from it. In the judgment of the NHTSA this symbol is sufficiently recognizable that a person unfamiliar with the Triumph's controls should have no difficulty interpreting the function of the switch that the symbol identifies. It does not appear, in this factual context, that failure to additionally identify the control with the word "lights" will have a discernible impact upon safety. Accordingly, it is found that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and the petition of British Leyland UK Ltd is granted.

Effective date: June 24, 1976.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegation of authority at 49 CFR 1.50.)

Issued on June 24, 1976.

ROBERT L. CARTER,
Acting Administrator.

[FR Doc.76–18964 Filed 6–30–76;8:45 am]

PETITIONS TO COMMENCE RULEMAKING

Denials

This notice sets forth the reasons for denial of two petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of § 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with § 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124 (d)).

Sutphen Fire Equipment Company (April 12, 1976). Petition to amend Standard No. 121, *Air Brake Systems*, to exclude until September 1, 1977, the "aerial tower" type of fire fighting vehicle from the "no lockup" requirements of section S5.3.1. Sutphen's petition was denied because the antilock system used in trucks and trailers are sufficiently reliable to justify their installation in satisfaction of the standard's requirements. Also, "no lockup" performance of the "aerial tower" type of fire fighting vehicle is found to be necessary to establish the vehicle's capability to retain directional stability in a braking or maneuvering situation where lateral stability is needed.

Mr. W. U. Sigler (March 3, 1976). Petition to amend Standard No. 105–75, *Hydraulic Brake Systems*, to establish minimum requirements for removal of contaminants from the hydraulic brake systems of passenger cars and school buses. Mr. Sigler's petition was denied because the existing regulations of brake fluid and a review of available accident and research data indicate that brake system contamination does not constitute a safety problem that justifies commencement of a proceeding to amend the standard.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106, Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 28, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.76–19069 Filed 6–30–76;8:45 am]

Office of the Secretary

HANCOCK & KELLEY CONSTRUCTION CO.

Proposed Sanction Action

Notice is hereby given that pursuant to section 209 and Part III of Executive Order 11246, as amended, it is proposed that an order be issued to cause the cancellation, termination or suspension of any existing Federally-assisted construction contracts, government contracts or subcontracts as defined in 41 CFR 60–1.3 with Hancock & Kelley Construction Company, P.O. Box 565, Bullhead City, Arizona 86430, and to cause the ineligibility of Hancock & Kelley Construction Company for future Federally-assisted contracts, government contracts or subcontracts.

This action is being proposed because Hancock & Kelley Construction Company, a Federally-assisted subcontractor, failed to achieve the 25–30 percent minority manhour goal for the operating engineer trade during the months of August, September and October 1975 on a Kingman, Arizona area construction project as required by the Arizona Plan. The project was funded by the Federal Aviation Administration of the Department of Transportation and is subject to the Arizona Plan.

As stated in the letter notice of this proposed action issued to Hancock & Kelley Construction Company:

The applicable regulations, 41 CFR 60–1.26 (b)(2), provide that no order for the cancellation or termination of existing contracts or subcontracts or for debarment from further contracts or subcontracts shall be made without affording the contractor an opportunity for a hearing. You, therefore, have fourteen (14) days from receipt of this notice to mail to the undersigned an answer to this notice, together with a request for a hearing which should be set forth in a paragraph separate from the remainder of the answer to this notice.

If at the end of 14 days no answer including a hearing request has been filed, or the answer does not raise issues of fact or law, steps will be taken to cancel, suspend or terminate or cause to be cancelled, suspended or terminated, any one or more contracts or

subcontracts, or parts thereof, held by the Company as prime contractor or subcontractor, and in addition steps will be taken to enter an order declaring the Company ineligible for further contracts, subcontracts or extensions or other modifications of existing contracts, until they shall have satisfied the Secretary of Labor that they have established and will carry out personnel and employment policies and practices in compliance with provisions of the equal employment clause and the Order.

The regulations also provide that, in the event the Company requests a hearing, its contracts and subcontracts may be suspended in the discretion of the Director, Office of Federal Contract Compliance Programs, during the pendency of the hearing.

CARMEN E. TURNER,
Acting Director of Civil Rights.

[FR Doc.76-19017 Filed 6-30-76;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on Thursday, July 29, 1976 from 8:00 a.m. to 6:00 p.m. and on Friday, July 30, 1976 from 8:30 a.m. to 5:00 p.m., at 2201 C Street, N.W., Washington, D.C., in Room 7516.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972.

The meeting will be closed to the public in accordance with the determination of even date made by the Director of the Arms Control and Disarmament Agency pursuant to section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: June 23, 1976.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer, Arms Control and Disarmament Agency.

[FR Doc.76-19058 Filed 6-30-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28778]

ADDITIONAL DALLAS/FT. WORTH-KANSAS CITY NONSTOP SERVICE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 17, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on May 5, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 28, 1976.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.76-19105 Filed 6-30-76;8:45 am]

[Docket 29450; Order 76-6-173]

DOMESTIC PASSENGER-FARE INCREASE

Order of Investigation and Suspension

By tariff revisions marked to become effective on various dates in July, eight trunkline carriers and five local service carriers propose a two-percent increase in the current level of fares within the 48 states and the District of Columbia.[1] In support of this proposal the carriers assert that while several small fare increases have been permitted this year, the need for additional fare relief continues in the face of on-going inflation. The carriers further state that the increase is justified under the Board's ratemaking standards developed in the *Domestic Passenger-Fare Investigation (DPFI)*, without the ratemaking adjustments made by the Board in its most recent evaluations of fare increase proposals. In addition, the carriers state that the Board annualizes past fare increases over the entire base period while projecting costs only to the tariff effective date. In their justifications the carriers generally project the level of unit costs beyond the tariff effective date, stating that this level of costs must be recognized by the Board if the carriers are ever to attain the 12 percent return on investment standard set by the Board.

The National Passenger Traffic Association (NPTA) has submitted complaints against the carriers' proposals stating that, with improving industry conditions, another inflationary fare increase is not justified. NPTA asserts that there is little evidence of an imminent rise in fuel costs and that, apparently recognizing the weakness of their justifications for a July fare increase, several carriers base their argument on various adjustments in the *DPFI* methodology for reviewing fare increase proposals. Finally, NPTA urges the Board to continue to make all of the ratemaking adjustments it has in the past, particularly the discount fare adjustment without which carriers would burden the normal-fare paying passenger.

In answer to the NPTA complaints, the carriers reply that the Board's ratemaking standards adjust for any changes in traffic or financial results by assuming a hypothetical 55 percent load factor and by eliminating expenses and investment in accordance with such standard.[2] The carriers also state that a stable level of inflation still means increasing costs; and that under the Board's *DPFI* methodology, without the July 1975 modifications adopted by the Board, the increase appears justified.

Upon consideration of the proposal, the complaints and answers thereto, and all relevant matters, the Board concludes that the proposal to increase domestic fares by two percent may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Based upon carrier data for the most recent base period available, the 12 months ended March 31, 1976, the Board calculates industry ratemaking return on investment (ROI) without any fare increase as 11.07 percent. (See Appendix A).[3] This ROI calculation reflects adjustments for utilization, the 55 percent standard load factor, all discount fares (excluding children and military),[4] an-

[1] Revision to Airline Tariff Publishing Company, Agent, C.A.B. No. 259. The tariff becomes effective on July 1, 1976—Braniff Airways, Inc., Continental Air Lines, Inc., and Frontier Airlines, Inc.; on July 2, 1976—American Airlines, Inc.; on July 7, 1976—Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Allegheny Airlines, Inc., and Hughes Air Corp. d/b/a Hughes Airwest; on July 9, 1976—Texas International Airlines, Inc.; on July 11, 1976—Northwest Airlines, Inc.; and on July 15, 1976—North Central Airlines, Inc.

[2] American, TWA, and United filed answers.

[3] Appendixes A and B filed as part of original document.

[4] For this adjustment, the Board has relied upon the data requested in Phase-5 of the *DPFI, i.e.*, discount-fare traffic, by category, travelling within the 48 contiguous states. If, as Eastern states, a significant portion of the traffic is not domestic, but rather international-bound traffic, the Board would, of course, consider if an adjustment is warranted, although Eastern has presented no reasons as to why such passengers should be permitted to burden the domestic normal-fare level.

nualization of past fare increases including the Phase-9 increases in first-class fares, and the estimate of unit costs as at the tariff effective date. Further adjusting the ROI for the proposed two-percent general-fare increase results in ratemaking ROI as of the tariff effective date of 13.02 percent, significantly above the 12 percent standard.

As for the continued assertions on the part of the carriers that the Board should not make an adjustment for utilization or for all discount fares, we have answered these contentions in full in previous orders and need not repeat our conclusions therein. The Board has based its appraisal of the instant proposal upon cost levels estimated as of the tariff effective date as it has done in the past. The Board stated its intention to consider the question of calculating unit costs beyond the tariff effective date and invited comments from interested parties (Order 76–4–182). Comments have been submitted and are under evaluation.

Finally, contrary to the assertions of the carriers, annualization of past fare increases over the entire base period is not at odds with the estimate of unit costs as at the tariff effective date. Rather, the current policy of recognizing only experience costs necessitates that the computation of revenues and expenses be made in such fashion. The effect of these two adjustments is then to calculate the unit revenues and unit costs, and hence the relationship of revenues to expenses, experienced on the tariff effective date. The resultant ROI thus correctly depicts the ratemaking return provided by the present level of fares on that date, and does not reflect a mismatching of revenues and expenses.

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 B, 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 B are suspended and their use deferred to and including September 28, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints in Dockets 29375 and 29402 are hereby dismissed; and

5. Copies of this order will be filed with the aforesaid tariff and served upon Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, North Central Airlines, Inc., Northwest Airlines, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–19107 Filed 6–30–76;8:45 am]

[Docket 27573 Agreement C.A.B. 25902; Order 76–6–159]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 41st Meeting of the TC1 Specific Commodity Rates Board held in Miami, Florida on May 26, 1976.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structure applicable within the Western Hemisphere. These revisions are outlined in the attachment hereto,[1] and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that: Agreement C.A.B. 25902 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–19106 Filed 6–30–76;8:45 am]

[1] Attachment filed as part of original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COLOMBIA; COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS

Import Levels

JUNE 28, 1976.

On May 28, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Colombia concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Colombia to the United States over a period of three years beginning on July 1, 1975 and extending through June 30, 1978.

Among the provisions of the agreement are those establishing specific limits for Categories 1–4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 for the agreement year beginning on July 1, 1976.

Accordingly, there is published below a letter of June 22, 1976, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 1–4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 be limited to the designated levels for the twelve-month period beginning on July 1, 1976 and extending through June 30, 1977. In accordance with the terms of paragraph 7(a)(ii) of the bilateral agreement, the level of restraint set forth below for Category 120 has been reduced by 7,889 units to account for carryforward applied to the category during the previous agreement year.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the impementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 22, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on Decem-

ber 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1976 and for the twelve-month period extending through June 30, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–4, 9/10, 22/23, wool textile products in Categories 120 and 121, and man-made fiber textile products in Categories 219, 221, 224, and 229 in excess of the following levels of restraint:

Category		12-month level of restraint
1–4	pounds	5,954,782
9/10	square yards	7,062,000
22/23	do	11,770,000
120	units	124,913
121	do	85,219
219	dozen	221,460
221	do	62,310
224	pounds	1,335,785
229	dozen	151,745

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Colombia and exported to the United States prior to July 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1975 through June 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 28, 1975 between the Governments of the United States and Colombia which provide, in part, that: 1) within the aggregate and applicable group limits, specific limits among Categories 1–38, 64, 200–213, and 241–243 may be exceeded by 10 percent; among Categories 39–63 and 214–240, by 7 percent; and among Categories 101–132, by 5 percent; 2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010), as amended on December 30, 1975 (40 F.R. 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textiles from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76–19015 Filed 6–30–76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

THE COMMODITY FUTURES TRADING COMMISSION ADVISORY COMMITTEE ON STATE JURISDICTION AND RESPONSIBILITIES UNDER THE COMMODITY EXCHANGE ACT

Committee Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission's Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act ("Advisory Committee on State Jurisdiction and Responsibilities") will conduct a public meeting on Wednesday, August 11, 1976, in the British Isles Room of the Marriott Inn, 1919 East 78th Street, Cedar Avenue at Interstate 494, Bloomington, Minnesota 55420, beginning at 9:30 a.m. and lasting until 4:00 p.m. The Advisory Committee on State Jurisdiction and Responsibilities is an advisory committee created by the Commission for the purpose of receiving advice and recommendations on such matters as state enforcement of the Commodity Exchange Act and enforcement of general state antifraud laws in the commodity area. The purposes and objectives of the Advisory Committee on State Jurisdiction and Responsibilities are more fully set forth at 41 FR 13393 (March 30, 1976).

The summarized agenda for the meeting is as follows:

(a) Discussion of standards for commodity pool operators; and

(b) Consideration of the memorandum of the Commission's Office of General Counsel concerning *parens patriae* and the states' enforcement role under the Commodity Exchange Act.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to William Gressman, Esq., Advisory Committee on State Jurisdiction and Responsibilities, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the meeting. Members of the public that wish to make oral statements should inform William Gressman, Esq., telephone (202) 254–5347, at least five days before the meeting and reasonable provision will be made for their appearance, to the extent time permits, at the conclusion of the meeting to present oral statements of no more than ten minutes in duration.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing Ray K. Schleeter, Deputy Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: June 28, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76–19099 Filed 6–30–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TELEVISION RECEIVERS

Denial of Requests; Extensions of Time

The purpose of this notice is to announce that the Consumer Product Safety Commission has (1) denied a request by the Underwriters Laboratories, Inc. (UL) for a 150 day extension of time for the development of a recommended consumer product safety standard for television receivers from June 22, 1976, to November 19, 1976, (2) extended from June 22, 1976 to July 6, 1976 the date on which UL is to submit a recommended standard, and (3) extended the time period in which the Commission must publish either a proposed consumer product safety standard or a notice withdrawing the previously published Notice of Proceeding from August 21, 1976 to September 4, 1976.

As announced in the FEDERAL REGISTER of Wednesday, June 4, 1975 (40 FR 2403), the Consumer Product Safety Commission accepted the offer of UL to develop a consumer product safety standard for television receivers addressed to unreasonable risks of injury arising from fire, shock, implosion, and mechanical hazards. At the request of UL, the time for the development of this standard was extended 250 days from October 16, 1975 to June 22, 1976 (40 FR 51222). By a request dated June 9, 1976, UL asked that it be granted an additional 150 day extension of time (from June 22, 1976 to November 19, 1976) in order to "further study the available TV incident data and to address * * * any additional hazard patterns which are ascertained by the study." UL indicated that this additional study "may result in further revisions to the proposed standard."

The Commission is of the opinion that further analysis of the available TV-related accident data by the offeror is unlikely to lead to a substantially improved recommended standard by the offeror. Therefore, the request for a 150-day ex-

tension of the standard development time is denied.

However, the Commission finds that good cause exists to compensate for any time that UL may have lost awaiting a Commission decision on their request for a 150-day extension and hereby extends the time for submission of the UL recommended standard from June 22, 1976 to July 6, 1976. This extension of time does not involve an additional contribution by the Commission to the cost of developing the recommended standard.

The Commission finds that the extension for submission of the UL recommended standard is good cause to extend for a similar amount of time the evaluation period in which the Commission must publish a proposed standard or withdraw the notice of proceeding from August 21, 1976 to September 4, 1976.

Accordingly, pursuant to the provisions of section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)), the Commission must publish a proposed standard or withdraw its Notice of Proceeding by September 4, 1976. This period may be further extended by a notice published in the FEDERAL REGISTER stating good cause therefor.

Dated: June 25, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-19059 Filed 6-30-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Proposed Additional Routine Use

Notice is hereby given that, pursuant to 5 U.S.C. 301 and 552a and 42 U.S.C. 2000e-12(a), the Equal Employment Opportunity Commission proposes to adopt a new routine use for its Privacy Act systems of records.

At 40 FR 39219 (August 27, 1975) and 40 FR 45111 (September 30, 1975), the Commission published the systems of records (and their routine uses) it maintains which are subject to the Privacy Act of 1974. The Commission has now identified an additional routine use for all of its systems which was not described in the previously published system notices.

For systems EEOC-1, 2, and 4-13, the proposed additional routine use is as follows:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

For system, EEOC-3, Charge of Discrimination Case Files, the Commission proposes a routine use which achieves the same purpose as the one above, but which ensures that the special disclosure rules adopted by the Commission with respect to charge of discrimination case files (which are maintained under confidentiality requirements imposed by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq.) are not circumvented.

The proposed additional routine use for system EEOC-3, Charges of Discrimination Case Files, is as follows:

The Commission has established, in Section 83 of its Compliance Manual (Vol. 1), policies with respect to the disclosure to charging parties of information contained in this system of records. Disclosure which is consistent with these policies may be made to a Congressional office from the charge of discrimination case file of a charging party in response to an inquiry from the Congressional office made at the request of that charging party.

Adoption of this routine use is necessary to facilitate the Commission's response to Congressional inquiries which require the disclosure of information maintained in the Commission's Privacy Act systems.

Comments on the proposed routine use statements may be submitted to the Associate General Counsel, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. All comments received on or before July 31, 1976 will be considered.

Signed at Washington, D.C. this 25th day of June, 1976.

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.76-19280 Filed 6-30-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 571-8; PFT12]

E. I. DU PONT DE NEMOURS AND CO.

Food Additive Petitions; Filing of

E. I. du Pont de Nemours and Co., Wilmington DE 19898, has submitted a petition (FAP 6H5135) to the Environmental Protection Agency which proposes to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the herbicide linuron (3-(3,4-dichlorophenyl) - 1 - methoxy - 1 - methylurea) in a proposed experimental program involving application of the herbicide to growing sugarbeets with a tolerance for residues of the herbicide in dried sugarbeet pulp at 1 part per million.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP6H5135." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 23, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-19009 Filed 6-30-76;8:45 am]

[FRL 570-8; OPP-31007A]

PESTICIDE PRODUCTS

Receipt of Applications To Register Pesticide Products Entailing Changed Use Patterns; Correction

In FR Doc.76-17430 beginning on page 24214 in the issue of June 15, 1975, the EPA file symbol numbers for the affected applications were incorrectly cited and should be corrected to read as follows:

EPA File Symbol 538-RUU. SCOTTS INSECT CONTROL PLUS LAWN FERTILIZER
EPA FILE Symbol 538-RUL. SCOTTS INSECT CONTROL

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-19006 Filed 6-30-76;8:45 am]

[FRL 570-7; OPP-33000/419]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these Federal Register documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method

of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim be certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 30, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 23, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/419)

EPA Reg. No. 264-109. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. AQUA KLEEN. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butoxyethanol ester 29.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 10675-R. Analytical Chemical Laboratories, 5225 W. Touhey Ave., Skokie IL 60076. STATICIDE. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.13%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.13%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3876-79. Betz Laboratories, Inc., 4636 Somerton Rd., Trevose PA 19047. BETZ FUNGICIDE F-16 FUNGUS CONTROL AGENT. Active Ingredients: Sodium pentachlorophenate 20.7%; Sodium 2,4,5-trichlorophenate 7.5%; Sodium salts of other chlorophenates 2.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 6125-EA. Bixon Chemical Co., 50-19 97th Pl., Corona NY 11368. QUAT NO. 3. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125-ET. Bixon Chemical Co. QUAT NO. 4. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125-EI. Bixon Chemical Co. QUAT NO. 5. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35896-L. Chemicals, Inc., Sewaren NJ 07077. CP BASIC COPPER CS53-WP. Active Ingredients: Copper (as metallic) 53%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 15300-I. Chemical Treatment Co., Hanover Industrial Air Park, Ashland VA 23005. CL-200. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 38902-R. Control Chemicals Co., 702 E. 63rd St., Chicago IL 60637. ROACH-X. Active Ingredients: Technical Boric Acid 100.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 17871-T. Dean's Specialty Supply Co., 310 2nd Ave., SW, Waseca MN 56093. DEAN'S 37 FLY STOP DAIRY CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-I. Dean's Specialty Supply Co. DEAN'S FLY STOP 20-10 MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.71%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-U. Dean's Specialty Supply Co. DEAN'S FLY STOP 20 MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.71%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-L. Dean's Specialty Supply Co., DEAN'S FLY STOP 15-15 MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-A. Dean's Specialty Supply Co. DEAN'S FLY STOP 6 MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-E. Dean's Specialty Supply Co. DEANS's 7.76 FLY STOP PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 17871-G. Dean's Specialty Supply Co. DEAN'S FLY STOP 10 MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 1362-RR. Dixie Disinfectant Co., 3420 Chelsea, Memphis TN 38108. MINT-AIR DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 464-LEA. The Dow Chemical Co., 2030 Dow Center, Midland MI 48640. HOSPITAL GERMICIDE AND AIR FRESHENER. Active Ingredients: o-phenylphenol 0.12%; Alcohol 66.6%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 464-449. Dow Chemical Co., P.O. Box 1706, Midland MI 48640. LORSBAN 10G GRANULAR INSECTICIDE. Active Ingredients: Chloropyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 38097-R. Dresser Industries, Inc., Oilfield Products Group, PO Box 6504, Houston TX 77005. MY-LO-JEL PRESERVATIVE. Active Ingredients: Paraformaldehyde 96.12%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 352-329. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 2180 Sand Hill Rd, Suite 240, Wilmington DE 94025. METHOXYCHLOR TECHNICAL. Active Ingredients: Methoxylchlor, Technical 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 279-2712. FMC Corp., Agricultural Div., ATTN: Susan J. Wendler, 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA File Symbol 12179–U. Foster Chemicals, Inc., 15477 Woodrow Wilson, Detroit MI 48238. WINTRA. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 9.0%; Sodium carbonate 4.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404–RE. Green's, Inc., PO Box 3309, Albuquerque NM 87110. GREENO-LEMON LEMON ODOR 15 DISINFECTANT, DETERGENT, DEODORIZER, SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 5404–RU. Green's, Inc. GREEN-NO-SCENT DISINFECTANT SANITIZER DEODORANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12714–G. Golden Sun Feeds, Inc., Highway 4 South, Estherville IA 51334. HI PHOS "12" LARVI–BAN. Active Ingredients: 2-cholor-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.79%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 12714–U. Golden Sun Feeds, Inc. LARVI-BAN. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 12714–L. Golden Sun Feeds, Inc. GOLDEN DAIRY LARVI-BAN. Active Ingredients: 2-chrolo-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 12714–A. Golden Sun Feeds, Inc. ALL PURPOSE LARVI-BAN. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.79%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 10250–11. Hempel's Marine Paints, Inc., 25 Broadway New York NY 10004. HEMPEL'S ANTIFOULING OCEANIC (0733). Active Ingredients: Tributyltin Fluoride 6.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35611–E. Hollis Applied Sciences Co., PO Box 38245, Memphis TN 38138. HASCOCIDE 80. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%. Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10827–RN. Industrial Solvents, PO Box 312, San Marcos TX 78666. PINE–SOL 6 DISINFECTANT, DEODORIZER, SANITIZER, DETERGENT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10827–A. Industrial Solvents. MINT–SOL 15 DISINFECTANT, DEODORIZER DETERGENT–SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1576–A. The Kendall Co., One Federal St., Boston MA 02101. KENDALL (LOGO) FLYSTOP 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2 - chloro - 1 - (2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 524–311. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. POLARIS. Active Ingredients: Glyphosine 85.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Increase in rate of application and Revised offer to pay statement submitted. PM25.

EPA Reg. No. 524–311. Monsanto Co. POLARIS. Active Ingredients: Glyphosine 85.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use pattern and revised offer to pay statement submitted. PM25

EPA File Symbol 37690–E. National Purity Water, Inc., 21 SE 10th St., Deerfield Beach FL 33441. REPLACEMENT UNIT FOR PURITY BACTERIOSTATIC WATER TREATMENT UNIT. Active Ingredients: Silver (as elemental) 0.093%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 538–RUL. O. M. Scott & Sons, Marysville OH 43040. SCOTTS INSECT CONTROL. Active Ingredients: Pirimiphos - ethyl (2 - diethylamino - 6 - methylpyrimidin-4-yl diethyl phosphorothioate) 1.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 3635–EEU. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1215. Active Ingredients: Isopropanol 13.50%; Steam distilled pine oil 5.00%; Tetrasodium ethylenediame tetraacetate 2.66%; Sodium xylene sulfonate 2.80%; Sodium o-phenylphenate 0.55% Sodium o-benzyl parachlorophenate 1.10%; Sodium paratertiarybutylphenate 2.81%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 432–492. S. B. Penick & Co., A Unit of CPU International, Inc., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 4981–LG. Redwood Chemical, Inc., PO Box 45916, Houston TX 77045. REDWOOD FLEA KILL. Active Ingredients: (5-benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl) cyclopropanecarboxylate 0.25%; Related compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 8383–5. R. Schattner Co., 4000 Massachusetts Ave., NW, Washington DC 20016. SPORICIDIN. Active Ingredients: Phenol 7.05%; Sodium Tetraborate 2.35%; Glutaraldehyde 2.00%; Sodium Phenate 1.20%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 13648–T. SCM Glidden-Durkee, Div. of SCM Corp., Organic Chemicals Group, PO Box 389, Jacksonville FL 32201. GLIDCO PINE OIL–60. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 25708–L. Shield Aerosol Co. of Calif., PO Box F 481, Chino CA 91710. SHIELD PYRENONE ONE SHOT HI–PRESSURE AEROSOL. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 25708–A. Shield Aerosol Co. of Calif. SHIELD HOUSE PLANT & GARDEN SPRAY. Active Ingredients: Pyrethrins 0.026%; Piperonyl Butoxide, Technical 0.256%; Rotenone 0.128%; Other Cube Extractives 0.236%; Isothymoxychloroethyl Ether 0.313%; Petroleum Distillate 0.102%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 6720–RUI. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampla FL 33601. DURSBAN 1E INSECTICIDE. Active Ingredients: Chlorpyrifos (O, O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 12.9%; Aromatic petroleum derivative solvent 78.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 35208–U. Space Age Chemicals, 13009–G Los Nietos Rd., Santa Fe Springs CA 90670. HOSPITAL & INSTITUTIONAL CLEANER #245. Active Ingredients: n-Alkyl (60% C12, 30% C16, 5% C 12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 3696–TA. Texize Chemicals Co., Div. of Morton Norwich Products, Inc., PO Box 368, Greenville SC 29602. TEXIZE NEW 5825 PINE ODOR DISINFECTANT CLEANER. Active Ingredients: Sodium xylene sulfonate 10.8%; o-Benzyl-p-chlorophenol 4.5%; Isopropyl alcohol 3.5%; Tetrasodium ethylenediamine tetraacetate 3.0%; Pine oil 2.5%; p-tert-Amylphenol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 3696–TO. Texize Chemicals Co., Div. of Morton-Norwich Products. TEXIZE NEW 5822 DISINFECTANT CLEANER. Active Ingredients: Sodium xylene sulfonate 10.8%; o-Benzyl-p-chlorophenol 4.5%; Isopropyl alcohol 3.5%; Tetrasodium ethylenediamine tetraacetate 3.0%; p-tert-Amylphenol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 1386–109. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichloro-phenoxyacetic acid 13.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76–19010 Filed 6–30–76;8:45 am]

[FRL 570–6; OPP–33000/420]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR

31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these Federal Register documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support spcified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 30, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 21, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP-33000/420)

EPA File Symbol 852-RU. Abbott Chemical Corp., Chemical Specialties for Industry, 701 E. Saratoga, Ferndale MI 48220. AC-75 INDUSTRIAL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 4-162.-Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. METHOXYCHLOR 50W INSECTICIDE. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 115-GA. Continental Chemical Co., Div. CWC Industries, Inc., 2750 Grand Ave., Cleveland OH 44104. ALGEX NO. 828. Active Ingredients: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (as in fatty acids derived from coconut oil) Imidazolinium Chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 352-75. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 2180 Sand Hill Rd., Suite 240, Wilmington DE 94025. MARLATE 50. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 352-234. E. I. Du Pont De Nemours & Co., Inc. DAIRY CATTLE INSECTICIDE. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 5404-RA. Green's, Inc., PO Box 3309, Albuquerque NM 87110. GREENO-PINE PINE ODOR 6 DISINFECTANT, DEODORIZER SANITIZER, DETERGENT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM 32

EPA File Symbol 5404-RR. Green's Inc. GREENO-MINT MINT FRAGRANCE 15 DISINFECTANT, DETERGENT, SANITIZER, DEODORIZER. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonim chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-RG. Green's, Inc. GREENO-LEMON LEMON ODOR 7 DISINFECTANT, DETERGENT, SANITIZER, DEODORIZER. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-RN. Green's, Inc. GREENO-MINT MINT FRAGRANCE 7 DISINFECTANT, DETERGENT, SANITIZER, DEODORIZER. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12479-RR. H-O-H Chemicals, Inc., 641 S. Vermont St., Palatine IL 60067. A-500 WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 10%; Isopropyl alcohol 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 407-370. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL 50% METHOXYCHLOR WETTABLE POWDER. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM13

EPA File Symbol 10827-RE. Industrial Solvents, PO Box 312, San Marcos TX 78666. CITRU-SOL 7, DISINFECTANT, DEODORIZER, SANITIZER, DETERGENT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10827-O. Industrial Solvents. MINT-SOL 7 DISINFECTANT, DEODORIZER SANITIZER, DETERGENT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10827-I. Industrial Solvents. CITRU-SOL 15 DISINFECTANT, DEODORIZER SANITIZER, DETERGENT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%, Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10827-T. Industrial Solvents. BIO-SOL DISINFECTANT, SANITIZER, DEODORANT. Active Ingredients: Alkyl (C14, 50%; C12, 40%; C16, 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35561-G. Landmark, Inc., 245 N. High St., Columbus OH 43216. 16% MILKMAKER (RA) (CONTAINS ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.015%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 1021-1216. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN, USA 55427. PYRETHRUM POWDER. Active Ingredients: Pyrethrins: 1.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 746-4. MFA Oil PO Box 519, Columbia MO 65201. MFA DAIRY CATTLE DUST. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 538-RUU. O. M. Scott & Sons Co., Marysville OH 43040. SCOTTS INSECT CONTROL PLUS LAWN FERTILIZER. Active Ingredients: Pirimphosethyl (2-diethylamino-6-methyl-pyrimidin-4-yl diethyl phosphoronate) 0.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 9241-U. The Powell Company, Inc., 700 N. Main St., Lima OH 45802. POCO-CIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.76-19011 Filed 6-30-76;8:45 am]

[FRL 570-5; OPP-33000/421 & 422 & 423]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 30, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 23, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP-33000/421)

EPA Reg. No. 241-175. American Cyanamid Co., Agricultural Div. PO Box 400, Princeton NJ 08540. CYGON SYSTEMIC 25 INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claim. PM16

EPA File Symbol 18972-U. Beaver Sales & Service, 2320 W. Meighan Blvd., Gadsden AL 35904. BEAVER LEMON ODOR 7 DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 18972-L. Beaver Sales & Service. BEAVER LEMON ODOR 15 DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35255-R. B.L.S., Inc., 8400 Belair Rd., Baltimore MD 21236. CHLOR CONCENTRATED CHLORINE SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 2382-38. Carson Chemicals, Inc., PO Box 466, New Castle IN 47362. MANGEX. Active Ingredients: Benzyl benzeate 33%; Soap (anhydrous) 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 12007-2. Chemclean Corp., Industrial Chemical Specialists, 128-07 18th Ave., College Point NY 11356. CHEMCLEAN GCD. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36838-R. Chem Pak, PO Box 3072, 2402 Boies Ave., Davenport IA 52808. BAR-MAID. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 239-2425. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO WEED-B-GON LAWN WEED KILLER. Active Ingredients: Butoxy propyl esters of 2,4-Dichlorophenoxyacetic acid 21.4%; Butoxy propyl esters of silvex [2[2,4,5-Trichlorophenoxy] propionic acid] 10.0%]. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 299-ENN. C. J. Martin Co., Box 1089, Nacogdoches TX 75961. DURSBAN INSECTICIDE GRANULES. Active Ingredients: Chlorpyrifos [O,O,-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N[(methylcarbamoyl) oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N[(methylcarbamoyl) oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 8730-0. Herculite Protective Fabrics Corp., 1107 Broadway, New York NY 10010. HERCON "ROACH TAPE" PROFESSIONAL STRENGTH WITH CHLORPYRIFOS. Active Ingredients: O,O,-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA File Symbol 35969–R. L. A. Lux Co., 2285 Scranton Rd., Cleveland OH 44113. WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 12047–3. Lone Star Brush & Chemical Co., 2406 Irving Blvd., Dallas TX 75207. BIG GUN II. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 37532–U. Mogul Maintenance Systems, Div. The Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGULCIDE 256–A. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5009–EO. Petrolite Corp., Tretolite Div., 369 Marshall Ave., St. Louis MO 69119. X-CIDE 107 INDUSTRIAL BACTERICIDE. Active Ingredients: Glutaraldehyde 20%; Oxydiethylene bis-(alkyl dimethyl ammonium chloride) 4%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 38995–R. Pool Supplies, Inc., 258 N. State Rd. 7, Margate FL 33063. ALLIED POOL GUARD CHLORINATING LIQUID SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 655–479. Prentiss Drug & Chem. Co., 363 7th Ave., New York NY. YOUR BRAND PYRETHRUM POWER FOR INDOOR USE ONLY. Active Ingredients: Pyrethrins 0.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA File Symbol 1658–EG Puritan Chemical Co., PO Box 2305, Station D, Atlanta GA 30318. BACTILIN. Active Ingredients: n-Alkyl (60% tetradecyl, 30% hexadecyl, 5% dodecyl, 5% octadecyl) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% dodecyl, 32% tetradecyl) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claim. PM31

EPA File Symbol 602–EAG. Ralston Purina Co., General Offices, Checkerboard Square, St. Louis MO 63188. PURINA ORAL LARVACIDE MINERAL BLOCK 12:12. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.355% Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 478–89. Realex Corp., Box 78, Kansas City MO 64141. AUTOMATIC INDOOR FOGGER KILLS BUGS. Active Ingredients: Pyrethrins 0.30%; Technical piperonyl butoxide 1.50%; 2,2-dichlorovinyl dimethyl phosphate 0.28; related compounds 0.02%; petroleum distillate 12.37%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Formulation change. PM13

EPA Reg. No. 70–199. Rigo Co., Buckner KY 40010. RIGO P.C.G. BLUEDEATH RAT AND MOUSE BAIT. Active Ingredients: 3-(alpha - Acetonylfurfuryl)-4-Hydroxyconmarin 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM11

EPA File Symbol 9779–EUI. Riversire Chemical Co., PO Box 17119, Memphis TN 38117. HARLEQUIN VEGETABLE DUST. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 5135–EE. Water Services Div., UOP, Inc., 700 S. Flower St., Burbank CA 91502. M–50 ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

APPLICATION RECEIVED (OPP–33000/422)

EPA File Symbol 2749–GOA. Aceto Chemical Co., Inc., Agricultural Chemicals Div., 126–02 Northern Blvd, Flushing NY 11368. ALACHLOR TECHNICAL HERBICIDE. Active Ingredients: (2 - chloro - 2,6 - diethyl - N - methoxymethyl) acetanilide) 97%. Method of Support: Application proceeds under 2 (c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 264–2. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDAR 64. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use and Revised offer to pay statement submitted. PM23

EPA File Symbol 7517–RG. Calusa Chemical Co., 801 E. Macy St., Los Angeles CA 90012. DIASOF CONCENTRATE. Active Ingredients: 5 - chloro - 2-(2,4 - dichlorophenoxy) phenol 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 100–501. Agricultural Div., Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. SUPRACIDE 2E INSECTICIDE-MITICIDE. Active Ingredients: Methidathion 24.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 100–501. Agricultural Div., Ciba-Geigy Corp. SURPRACIDE 2E INSECTICIDE–MITICIDE. Active Ingredients: Methidathion 24.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 5906–170. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 3200, Memphis TN 38137. HELENA BRAND BUTYL ESTER 4. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic Acid 56.61%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5905–72. Helena Chemical Co. HELENA BRAND 2,4,D AMINE. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 49.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 6543–L. Lan-O-Sheen, Inc., One W. Water St., St. Paul MN 55107. LAN-O-SHEEN BOAT BOTTOM CLEANER. Active Ingredients: Hydrogen Chloride 20.94%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11800–RT. Midwest Agricultural Warehouse Co., 150 S. Main, Fremont NE 68025. CLEAN CROP DIAZINON 2% LAWN GRANULES. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6 pyrimidinyl) phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 6305–11. Robeco Chemicals, Inc., 51 Madison Ave., New York NY 10010. 2,4-D (TECHNICAL GRADE). Active Ingredients: 2,4-dichlorophenoxyacetic acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 572–200. Rockland Chemical Co., Inc., PO Box 809, West Caldwell NJ 07006. ROCKLAND GARDEN CLEAN WITH TRIFLURALIN. Active Ingredients: Trifluralin (*a,a,a* - trifluoro-2,6 dinitro - N,N-dipropyl-p-toluidine) 1.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 572–226. Rockland Chemical Co., Inc. ROCKLAND GARDEN CLEAN PLUS WEEDS AS IT FEEDS. Active Ingredients: Trifluralin (*a,a,a*-trifluoro-2,6,dinitro-N,N-dipropyl-p-toluidine) 0.92%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 572–260. Rockland Chemical Co., Inc. ROCKLAND STOP & GRO WEEDS AS IT FEEDS. Active Ingredients: Trifluralin (*a,a,a*-trifluoro-2,6,dinitro-N,N-dipropyl-p-toluidine) 0.92%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 11547–8. Share Corp., P.O. Box 9, Brookfield WI 53005. SHARE CORP. LIQUID TURF FERTILIZER WITH WEED CONTROL. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid Isooctyl ester 4.19%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 4887–RTO. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA. DIAZINON 25E. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00%; Aromatic petroleum derivative solvent 61.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 6735–228. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE WEED & FEED WITH TREFLAN. Active Ingredients: trifiural in (*a,a,a*-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6735–233. Tide Products, Inc. TIDE WEED & FEED WITH TREFLAN FOR COTTON & SOYBEANS-FALL APPLICATION. Active Ingredients: trifluralin (*a,a,a*-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6735–234. Tide Products, Inc. TIDE WEED & FEED WITH TREFLAN FOR COTTON & SOYBEANS-FALL APPLICATION. Active Ingredients: trifluralin (*a,a,a*-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6735-236. Tide Products, Inc. TIDE WEED & FEED WITH TREFLAN. Active Ingredients: trifluralin (*a,a,a*-trifluoro-2,6-dinitro-N,N-dipropyl - p - toluidine) 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1270-183. Zep Manufacturing Co., Div. of National Services, Inc., 1310 Seaboard Industrial Blvd., NW, Box 2015, Atlanta GA 30301. ZEP READY-TO-USE SPRITZ GERMICIDAL CLEANER & DEODORANT. Active Ingredients: Isopropanol 10.062%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammomonium chlorides 0.125%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl-benzyl ammonium chlorides 0.125%; Tetrasodium ethylenediamine tetraacetate 0.080%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

APPLICATION RECEIVED (OPP-33000/423)

EPA File Symbol 3876-RRO. Betz Laboratories, Inc., 4636 Somerton Rd., Trevose PA 19047. BETZ SLIMICIDE C-50. Active Ingredients: *B*-Bromo-*B*-nitro-styrene 5%; 2,2 - dibromo - 3 - nitrilopropionamide 5%. Method of Support. Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 22559-G. Cleanway Products, 8804 Fenbell Ave., Detroit MI 48238. MIRACLE HOUSEHOLD PROFESSIONAL ROACH & ANT KILLER QUICK ACTING. Active Ingredients: O,O-Diethyl O-(2-isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 68.608%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 7774-U. Erny Supply Co., 5406 N. 59th St., Tampa FL 33610. ESCO QUAT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides, 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylene-diamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 2224-51. Mobil Chemical, PO Box 26683, Richmond VA 23261. MODOWN. Active Ingredients: Bifenox [Methyl 5-(2,4 - Dichlorophenoxy)-2-nitrobenzoate] 21%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses and revised offer to pay statement submitted. PM25

EPA Reg. No. 2224-50. Mobil Chemical. MODOWN. Active Ingredients: Bifenox [Methyl 5 - (2,4 - Dichlorophenoxy) - 2-nitrobenzoate] 80%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses and revised offer to pay statement submitted. PM25

EPA Reg. No. 1157-29. Moorman Mfg. Co., General Office, 1000 N. 30th St., Quincy IL 62301. MOORMAN's INSECTICIDE DUST. Active Ingredients: Methoxychlor, Technical 3%; Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 9499-4. National Chelating Corp., 6549 E. Compton Blvd., Paramount CA 90723. PRE-SEEDER WEEDER GRANULAR. Active Ingredients: Trifluralin (*a,a,a* - trifluoro - 2,6 - dinitro - N,N-dipropyl-p-toluidine) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 24053-O. Peterson Exterminating, 559 E. 63rd St., Chicago IL 60637. PDQ DIAZINON E-4 INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isopropyl-6 - methyl - 4 - pyrimidinyl) phosphorothioate 47.5%; Aromatic petroleum derivative solvent 30.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 37296-G. Product-Sol, Inc., 2010 Cole, Birmingham MI 48008. BIODERM 500. Active Ingredients: O-Phenylphenol 98%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 37296-R. Product-Sol, Inc. BIODERM 200. Active Ingredients: Sodium 2,4,5-trichlorophenate 85%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 38137-R. Pro-Tec, 176 Clara St., San Francisco CA 94111. MICRO-TEC N. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyl-dithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 201-GIE. Shell Chemical Co., Div. of Shell Oil Co., Agricultural Div., 1025 Connecticut Ave. NW, Suite 200, Washington DC 20036. BLADEX 80 WETTABLE POWDER HERBICIDE FOR COTTON. Active Ingredients: 2-[[4-chloro-6-(ethylamino) - s - triazin - 2 - yl]amino]-2-methylpropionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 400-103. Uniroyal Chemical Div., Uniroyal, Inc., Amity Rd., Bethany CT 06526. KYLAR-85. Active Ingredients: Daminozide [butanedioic acid mono (2,2-dimethylhydrazide)] 85.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added application and revised offer to pay statement submitted. PM25

[FR Doc.76-19012 Filed 6-30-76;8:45 am]

[FRL 570-4; OPP-33000/424]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these Federal Register documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 30, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before August 2, 1976.

Dated: June 23, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/424)

EPA Reg. No. 551-161. Baird & McGuire, Inc., South St., Holbrook MA 02343. 4D-ESTER WEED KILLER. Active Ingredients: 2-Ethylhexyl Ester of 2,4-Dichlorophenoxy Acetic Acid 68.63%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 9232-RT. Federal International Chemicals, 1191 South Wheeling Rd., Wheeling IL 60090. FED-SAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 10693-E. Flo-Kem Products, 19402 Susana Rd., Compton CA 90221. FLO-SAN SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10693-RR. Flo-Kem Products. ROYAL RINSE CLEANER SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10693-RE. Flo-Kem Products. 10-DIS DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10693-RU. Flo-Kem Products. FLO-DINE DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 5905-90. Helena Chemical Co., Suite 3200 Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA 2,4-D LV ESTER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5905-91. Helena Chemical Co. HELENA BRAND 2,4-D BUTYL ESTER 6 OSO. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic acid 80.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5905-94. Helena Chemical Co. HELENA BRAND 2,4-D BUTYL ESTER 6. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic acid 79.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5905-245. Helena Chemical Co. HELENA BRAND DIURON 80 WP WEED KILLER. Active Ingredients: Diuron [3-3,4 - Dichlorophenyl) - 1,1 - Dimethylurea] 80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5905-ULG. Helena Chemical Co. HELENA 2,4-D LV ESTER 4. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2491-300. Koos Inc., 4500 13th Ct., Kenosha WI 53140. ACE LAWN FOOD WITH WEED CONTROL 22-6-8. Active Ingredients: 2(2-methyl-4-chlorophenoxy) propionic acid 0.94%; 2,4-Dichlorophenoxyacetic acid 0.94%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2491-137. Koos Inc. HOLIDAY WEED AND FEED 20-10-5. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2491-291. Koos Inc. HOLIDAY FLOWER BED WEED CONTROL. Active Ingredients: Trifluralin (*α,α,α*-trifluoro-2, 6 - dinitro - N,N - dipropyl - p - toluidine) 1.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 259-6. Mokan Chemical Co., 1708 Campbell St., Kansas City MO 64108. WEED WILT. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 32.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 10659-40. Occidental Chemical Co., P.O. Box 1185, Houston TX 77001. ZIPP 5-38-4 WITH 1.0% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl (S-[(ethylthio) methyl] Phosphorodithioate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. No. 10659-35. Occidental Chemical Co. OXY 10-30-10 WITH 0.25% PHOSTEMIC T. Active Ingredients: Phorate O,O-Diethyl S-[(ethylthio)methyl] phosphorodithioate 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 7001-184. Occidental Chemical Co. DIURON 80 WP. Active Ingredients: Diuron 3 - (3,4 - Dichlorophenyl) - 1,1 - dimethylurea 80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 2169-82. Patterson Chemical Co., Division Curry Cartwright Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON's GREEN-UP 2,4-D AMINE WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 8344-RL. Progress Chemical Co., Inc., P.O. Box 866, 159 Railroad St., Canton GA 30114. PCC FORMALDEHYDE SOLUTION. Active Ingredients: Formaldehyde 37%; Methyl Alcohol 12%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 148-140. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DED-WEED 40. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148-441. Thompson-Hayward Chemical Co. DED-WEED LV-20 GRANULAR. Active Ingredients: 2,4-dichlorophenoxyacetic acid isooctyl ester 30.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148-616. Thompson-Hayward Chemical Co. DED-WEED LV-89. Active Ingredients: 2,4 - dichlorophenoxyacetic acid isooctyl ester 93.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 148-927. Thompson-Hayward Chemical Co. 2,4-D ISO BUTYL ESTER TECHNICAL. Active Ingredients: Iso Butyl ester of 2,4-Dichlorophenoxyacetic acid 98.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application proceeds under 2(b) of interim

EPA Reg. No. 148-1117. Thompson-Hayward Chemical Co. DED-WEED LFB. Active Ingredients: 2,4-dichlorophenoxyacetic acid isooctyl ester 67.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148-1119. Thompson-Hayward Chemical Co. DED-WEED 60. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 148-1226. Thompson-Hayward Chemical Co. 2,4-D ACID. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 98%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 148-REAN. Thompson-Hayward Chemical Co. DED-WEED 40 FOR RICE. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 148-REAR. Thompson-Hayward Chemical Co. DED-WEED 60 FOR RICE. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 12042-O. Verax Chemical Co., Maltby Industrial Park, P.O. Box 803, Bothell WA 98011. I-O-CLEAN. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12042-RN. Verax Chemical Co. VERCODINE. Active Ingredients: alpha-(p-Nonylphenyl)-omega - hydroxy - poly (oxyethylene)-iodine complex 18.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12042-T. Verax Chemical Co. SANIDINE. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine somplex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12042-I. Verax Chemical Co. STERIDINE. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 769-453. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley GA 31030. THIODAN VEGETABLE DUST. Active Ingredients: Endosulfan (Hexachorahexahydromethane-2,4,3- benzodioxathiepin oxide) 3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

[FR Doc.76-19013 Filed 6-30-76;8:45 am]

[FRL 571-2; OPP-31003B]

PESTICIDE PROGRAMS

Notice of Approval of Application To Register Pesticide Product Entailing a Changed Use Pattern

On March 31, 1976, notice was given (41 FR 13660) that Sumitomo Chemical Co., Ltd., 1330 Dillon Heights Ave., Baltimore MD 21228, had filed an application (EPA File Symbol 10308-T) with the Environmental Protection Agency to register the pesticide product INSECTICIDE, AEROSOL d-PHENOTHRIN 2% containing 2% of the active ingredients 3-phenoxybenzyl d-cis and trans 2,2-dimethyl-3-methyl - propenyl) cyclopropanecarboxylate. As stated in the March 31 notice the application received from Sumitomo, Ltd. proposed that the use pattern of 3-phenoxybenzyl d-cis and trans 2,2 - dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate be changed from manufacturing use only to include aircraft disinsectization for the control of mosquitos, gnats, and Caribbean fruit flies in aircraft. No comments were received by the Agency in response to this notice.

This application was approved on May 12, 1976, and the product has been assigned the EPA Registration No. 10308-7.

INSECTICIDE, AEROSOL d-PHENOTHRIN 2% is classified for general use. Notice of registration is given in accordance with regulations [40 CFR 162.7(d)(2)] for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.).

Test data and other information submitted in support of this registration as well as such other scientific information deemed relevant to the registration decision, except for such material protected by Section 10 of FIFRA, will be available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room EB-31, East Tower, 401 M St. SW, Washington, DC 20460, in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of May 5, 1976.

Dated: June 24, 1976.

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

[FR Doc.76-19008 Filed 6-30-76;8:45 am]

[FRL-570-2; OPP-50203]

AGRICULTURE DEPARTMENT

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been isued to the U.S. Department of Agriculture, Hyattsville, Maryland 20782. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11312-EUP-5) allows the use of 7,040 pounds of the insecticide O,O-dimethyl S - [(4 - oxo - 1,2,3 - benzotriazin - 3(4H) - yl)methyl] phosphorodithioate on citrus to evaluate control of the East Indian Sugarcane Root Borer. A total of 3,500 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from June 3, 1976, to June 3, 1977. A permanent tolerance for residues of the active ingredient in or on citrus has been established (40 CFR 180.154).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-18999 Filed 6-30-76;8:45 am]

[FRL 571-3; OPP-50195]

ANSUL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Ansul Company, Weslaco, Texas 78596. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6308-EUP-9) allows the use of 366 pounds of the herbicide monosodium acid methanearsonate on winter, spring, and durum wheat to evaluate selective weed control, particularly grassy weeds. A total of 183 acres is involved; the program is authorized only in the States of Idaho, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, and Washington. The experimental use permit is effective from May 10, 1976, to May 10, 1977. All wheat grain from the treated crop will be used for replanting seed purposes only; no part of the treated crop will be used as food or feed.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-19000 Filed 6-29-76;8:45 am]

[FRL 570-3; OPP-50205]

UNIVERSITY OF ARKANSAS

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the University of Arkansas, Fayetteville, Arkansas 72701. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 34487-EUP-1) allows the use of 9 pounds of living fungus spores of *Colletotrichum gloeosporioides* f. sp. *aeschynomene* ATTC 20358 as a mycoherbicide on rice and soybeans to evaluate control of northern jointvetch. A total of 1,000 acres is involved; the program is authorized only in the State of Arkansas. The experimental use permit is effective from June 4, 1976, to June 4, 1977. An exemption from the requirement of tolerances for residues of the active ingredient in or on rice and soybeans has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-19005 Filed 6-30-76;8:45 am]

[FRL 571-6; OPP-50199/50200/50201]

CIBA-GEIGY CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits

have been issued to CIBA-GEIGY Corporation, Greensboro, North Carolina 27409. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

The first experimental use permit (No. 100-EUP-36) allows the use of 3,644.8 pounds of the herbicide procyazine; a total of 2,017 acres is involved. The second expermental use permit (No. 100-EUP-38) allows the use of 15,126 pounds of the herbicide 2-chloro-*N*-(2-ethyl-6-methylphenyl) - *N* - (2 - methoxy - 1 - methylethyl) acetamide; a total of 8,403 acres is involved. The third experimental use permit (No. 100-EUP-45) allows the use of 765 pounds of the herbicides atrazine and 2-chloro-*N*-(2-ethyl-6-methylphenyl) - *N* - (2 - methoxy - 1 - methylethyl) acetamide; a total of 283.70 acres is invloved. All three permits allow these herbicides to be used on corn to evaluate control of annual grasses and broadleaf weeds; the programs are authorized in the 48 contiguous States. The experimental use permits are effective from April 30, 1976, to April 30, 1977. Temporary tolerances for residues of the active ingredients in or on corn have been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8.:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-19001 Filed 6-30-76;8:45 am]

[FRL 571-1; OPP-180076]

GUAM DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

Receipt of Application for Specific Exemption To Use Sodium Monofluoroacetate To Control Feral and Stray Dogs and Solicitation of Public Views

The Department of Public Health and Social Services of Guam (hereafter referred to as the "Applicant") has applied to the Environmental Protection Agency (EPA) for a specific exemption to use compound 1080 (sodium monofluoroacetate) to control the feral and stray dog population which, according to the Applicant, has become a serious nuisance, attacking livestock, destroying property, and attacking humans. Although the Applicant requests a specific exemption for this purpose for two (2) years, the exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is subject to the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

The application is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist. Subpart D of the section 6 regulations provides that in emergency circumstances, the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) To human health, or (ii) to fish or wildlife populations when such use would not pose a human health Hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by § 164.131;

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.33.

The Applicant maintains that it originally initiated a control program regarding the feral and stray dog population in 1967 to control a rabies epidemic which lasted for more than two years. According to the Applicant, during the ensuing years, the feral and stray dog populations have revived and expanded beyond those populations present during the rabies epidemic. Further, the Applicant states that in 1975, over 750 unprovoked attacks upon humans by dogs were recorded.

The Applicant's efforts to control these unwanted dogs have resulted in the use of several procedures, such as tranquilizing, shooting, live capture, trapping, poisoning, etc. According to the Applicant, the present poisoning program has always rated above the other methods in terms of humaneness, lack of danger to humans, expediency, and cost. The poison used is compound 1080 (sodium monofluoroacetate).

The poisoning program is described as follows. Single baits (½ ounce squares of meat dyed a particular color for identification) are injected via a hypodermic needle with ¼ cc of a solution of 1.6 grams of powdered compound 1080 dissolved in 117 milliliters of water. Baits are stored in a locked refrigerator preparatory to use, and are normally used within 8 hours of preparation. A record of all baits prepared is maintained. Baits are placed only on public property, except by special request and with the written permission of a private property owner. The 1080 impregnated meat baits are thrown to stray dogs observed on weekly patrols; only untagged dogs are offered the 1080 baits. If the dog refuses the bait, the bait is retrieved. All unused baits are disposed of by burial under at least six (6) feet of compacted soil at a sanitary landfill, under the direct supervision of an Animal Control Officer. Poisoned animal carcasses are collected by the Animal Control Officers, entries are made in the records, and the carcasses are buried in the sanitary landfill. Finally, a public announcement is made in the local newspaper publishing the time and place where poisoning activities will occur.

It should be pointed out that on March 9, 1972, the use of compound 1080 (and strychnine) for predator control was suspended by EPA; no 1080 products are registered for dog or "predator" control.

This notice does not constitute a decision by the EPA on the application itself. It has been determined that this application raises questions of such importance that public notice and opportunity for public comment should be given. Accordingly, interested parties may submit written views on this subject to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the comments. The comments must be received on or before August 2, 1976, and should bear the identifying notation OPP-180076. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:30 p.m. Monday through Friday.

In addition, the application is on file in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room 315, East Tower, at the Headquarters address mentioned above. Interested parties may review this application during regular business hours.

Dated: June 25, 1976.

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

[FR Doc.76-19007 Filed 6-30-76;8:45 am]

[FRL 571-4; OPP-50196/50197]

GULF OILS CHEMICAL CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973;

7 U.S.C. 136), experimental use permits have been issued to Gulf Oils Chemical Company, Merriam, Kansas 66202. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

These experimental use permits (No. 4090-EUP-22 and 4090-EUP-23) allow the use of, respectively, 98 pounds of the miticide malonoben on citrus and 34.5 pounds of the miticide malonoben on apples and pears to evaluate control of certain mites. A total of 11 acres is involved. The program for No. 4090-EUP-22 is authorized only in the States of Arizona, California, Florida, and Texas; the program for No. 4090-EUP-23 is authorized only in the States of California, Colorado, Connecticut, Idaho, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennylvania, South Carolina, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permits are effective from June 3, 1976, to June 3, 1977. Any crops treated under these permits will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-19002 Filed 6-30-76;8:45 am]

[FRL 571-7; OPP-50202]

GULF OIL CHEMICALS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Gulf Oil Chemicals company, Merriam, Kansas 66204. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 4090-EUP-21) allows the use of 88.8 pounds of the herbicide 2-(1,3,3-trimethylureido) - 1,3,4-thiadiazole-5-N,N-dimethylsulfonamide on industrial and nonagricultural sites to evaluate control of vegetation. A total of 18.5 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Maine, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington. The experimental use permit is effective from June 3, 1976, to June 3, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-19003 Filed 6-30-76;8:45 am]

[FRL 571-5; OPP-50198]

SANDOZ, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Sandoz, Inc., Homestead, Florida 33030. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11273-EUP-10) allows the use of 105 pounds of the insecticide O-(6-ethoxy-2-ethyl-4-pyrimidinyl) O,O-dimethyl phosphorothioate on field corn to evaluate control of the European corn border. A total of 280 acres is involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin. The experimental use permit is effective from June 3, 1976, to June 3, 1977. Any crops treated under this permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 24, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-19004 Filed 6-30-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders

WEEK OF MAY 24, THROUGH MAY 28, 1976

Notice is hereby given that during the week of May 24 through May 28, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Coastal States Gas Corp.; Houston, Tex.; FEA-0764; Petroleum Products

Coastal States Gas Corporation filed an Appeal from a Remedial Order which was issued to it by FEA Regional VI. In the Remedial Order, the Deputy Regional Administrator for Compliance found that Coastal States had failed to comply with the provisions of the FEA Mandatory Petroleum Price Regulations. The Remedial Order also found that Coastal States had failed to maintain sufficient records of its costs, sales and revenues to permit a determination to be made as to the nature or actual amount of revenues which it had improperly received. On the basis of these findings Coastal States was directed to take certain remedial actions including the preparation of detailed reports and data, which would establish with particularity the amount of overcharges and thereby facilitate the eventual refund of the revenues involved. The Remedial Order also required the firm to refrain from implementing any price increases and to comply prospectively with the provisions of the FEA Regulations.

In its Appeal, Coastal States contended that the issuance of the Remedial Order constituted the breach of a binding agreement which the firm had previously reached with the FEA Compliance Staff and that the Remedial Order was therefore invalid. The firm asserted that following the issuance of the Notice of Probable Violation (NOPV) which initiated the compliance action, representatives of Coastal States met with FEA officials and resolved nearly all of the issues presented in the NOPV. Coastal States further contended that the course of conduct followed by the FEA in subsequent months implied acceptance of the agreement. Coastal States' contentions were not accepted in the Appeal Decision. In evaluating the firm's position the FEA concluded that there was no evidence in the record that a formal agreement had ever been reached which resolved all outstanding alleged violations. Moreover, the documents in the file tended to support a contrary position.

The Decision which the FEA issued with respect to the Coastal States Appeal also rejected the firm's contentions with respect to the legality of the equal application rule set forth in Section 212.83(h). Coastal States asserted that when Section 212.83(h) was adopted on September 1, 1974 it represented a significant change in previous regulatory requirements and that its retroactive application to August 19, 1973 was unlawful. In a previous Decision, *Phillips Petroleum Co.*, 2 FEA Par. 80,599 (May 30, 1975), the FEA considered and ultimately rejected a similar argument regarding the alleged retroactive application of Section 212.83(h). The FEA concluded that the Coastal States' submission failed to present any considerations which should properly lead to an alteration of the determination reached in the *Phillips* case.

The FEA did however sustain Coastal States' general contention that the Remedial Order was defective because it failed to set forth sufficiently detailed findings of fact to specify the nature and extent of the alleged violations and to thereby permit Coastal States to respond to the charges made. The determination reached relied to a considerable extent on the principles enunciated in *Koch Industries, Inc.*, 2 FEA Par. 80,580 (May 2, 1975). The FEA also sustained Coastal States's contention that the provisions of the Remedial Order which required the preparation of data and reports were improper because they involved the use of a Remedial Order as a discovery device. The FEA determined that the material which the Remedial Order directed Coastal States to submit was so fundamental to an analysis of the issues presented as to indicate that the FEA did not possess sufficient factual data to support the determinations made and instead used the Remedial Order as an investigative device. The FEA has consistently held that Remedial Orders may not be used in that manner. *See The Wall Street Journal*, 2 FEA Par. 80,558 (March 21, 1975); and *Koch Industries, Inc., supra*. On the basis of these findings the FEA concluded that the Remedial Order was issued prematurely and should therefore be rescinded.

Dayton Malleable, Inc.; Dayton, Ohio; FEA–0770; No. 2 Fuel Oil

Dayton Malleable, Inc. (Dayton) filed an Appeal from an Order issued to it by the FEA on June 20, 1975 which granted the firm exception relief from the provisions of 10 CFR 215.3 for a period of six months. The Appeal, if granted, would permit Dayton to permanently convert the two air furnaces of its Ohio Division foundry from the use of coal to No. 2 fuel oil. In making a determination on the Appeal, the FEA noted that Dayton had made an initial showing in its original exception application that: (i) the State of Ohio has ordered its Ohio Division to comply with State pollution control regulations for particulate matter and in compliance with that Order Dayton has installed oil burning equipment on its two air furnaces; (ii) Dayton has been unable to obtain a variance from the State which would permit it to continue to utilize coal in its two air furnaces as required by 10 CFR 215.3; and (iii) shutting down the two furnaces in order to meet both the State pollution control requirements and the FEA regulatory provisions would result in a serious hardship to the firm and to the community surrounding the plant.

The FEA also noted that within five years Dayton planned to convert its Ohio Division foundry from air furnaces to electric furnaces. In order to operate its plant on coal during that period in compliance with State air pollution regulations Dayton would be required to utilize a relatively expensive grade of metallurgical coal and install air pollution control equipment. The FEA found that the cost to Dayton of using coal rather than oil during the remaining life of the air furnaces would substantially exceed the normal cost of fuel oil. Under these circumstances the FEA concluded that the net cost to Dayton of using coal in compliance with State air pollution control requirements is so disproportionate to the benefits obtained in furthering national energy policy objectives that it would be inequitable to require the firm to continue to burn coal. The FEA therefore concluded that Dayton had established that a gross inequity exists and that exception relief should be approved. However, since the inequity resulted largely from the firm's stated intent to convert its plant to electric furnaces within five years, the FEA held that exception relief may no longer be appropriate if Dayton alters its conversion schedule at some later date. The exception relief granted was accordingly limited to a period of one year.

Frisbie Oil & Ice Co., Inc., Pratt, Kans.; FEA–0765; Middle Distillate

Frisbie Oil & Ice Company, Inc. (Frisbie) filed an Appeal from a Decision and Order issued to the City of Pratt Utility (CPU) by the FEA Office of Regulatory Programs. In the Decision which it issued, the FEA increased CPU's base period use and assigned the Champlin Petroleum Company (Champlin) to supply CPU with 772,527 gallons of middle distillate fuel oil. In the present Appeal, Frisbie alleged that since it was CPU's base period supplier of middle distillate, it should have been authorized to supply the additional quantity of fuel to CPU. In considering the Appeal, the FEA determined that the record in the proceeding indicated that Frisbie did not have the capacity to supply CPU with the additional volume of fuel oil involved. It was therefore proper for another supplier to be designated to supply CPU's additional fuel oil requirement. However, it also appeared from the record in the Appeal proceeding that the amount of fuel oil which Frisbie was required to supply CPU was erroneously stated. Accordingly, Frisbie's Appeal was granted in part, and the matter remanded to the FEA Assistant Administrator for Regulatory Programs for the issuance of an Order which recalculates the respective base period supply obligations of Frisbie and Champlin.

Gulf Oil Corp.; Houston, Tex.; FEA–0733; No. 2 Fuel Oil

Gulf Oil Corporation (Gulf) appealed from a Remedial Order which FEA Region III issued to it. In the Remedial Order the Regional Administrator of FEA Region III found that Gulf had improperly calculated the base price for the No. 2 fuel oil which it sold to the Virginia Electric Power Company (Vepco) and that Gulf therefore sold that product at prices which were in excess of the maximum permissible price levels specified in 10 CFR 212.82 and 6 CFR 150.355. The Remedial Order directed Gulf to (i) refund $2,197,558.60 to Vepco for overcharges prior to May 1, 1975; (ii) compute the overcharges which occurred between May 1, 1975 and January 26, 1976; and (iii) immediately adjust Gulf's selling prices to Vepco. In a Decision and Order issued on February 5, 1976 the FEA Office of Exceptions and Appeals stayed the Remedial Order pending Appeal provided that Gulf established a suitable escrow account into which it deposited all contested funds. *Gulf Oil Corp.* 3 FEA, Par. 85,013 (February 5, 1976).

In calculating the proper base price for the No. 2 fuel oil which Gulf sells to the class of purchaser that includes Vepco, the Remedial Order determined that on or about May 15, 1973 Gulf delivered No. 2 fuel oil to Vepco under the terms of a contract which the firms entered into on June 21, 1972. The Regional Administrator concluded that these sales constituted a transaction as that term is defined in Section 212.31 and Gulf's base price to Vepco was therefore calculated on the basis of the prices set forth in the June 21 contract. In considering Gulf's appeal, the FEA concluded that the record contained no data to support the finding that deliveries had taken place on or about May 15, 1973 and that the factual conclusion made in the Remedial Order was therefore incorrect.

In the appeal proceeding Gulf also provided evidence which indicated that on May 10, 1973 Gulf and Vepco entered into an oral agreement for the sale of No. 2 fuel oil during the period July 1, 1973 through June 30, 1974. The terms of the agreement specified that the product would be sold at particular prices f.o.b. Richmond and Norfolk and that the price would be subject to an escalation clause. Representatives of Vepco acknowledged that the oral agreement was entered into on May 10, 1973. This evidence had not been presented in the course of the investigatory proceedings which took place prior to the issuance of the Remedial Order and was therefore not considered in that proceeding. Nevertheless the FEA concluded that the evidence in the record was sufficient to establish under applicable state law that a contract for the sale of No. 2 fuel oil had been entered into by Gulf and Vepco on May 10, 1973.

In view of this determination, the FEA held that a further finding must be made as to whether the terms of the May 10, 1973 contract are sufficiently precise to constitute a transaction for purposes of calculating Gulf's base price to the class of purchaser which includes Vepco. Since the Remedial Order did not address this issue, and in order to permit Gulf and Vepco to present their views on the matter, the Decision and Order issued in the case was remanded to the Regional Administrator for further findings of fact and conclusions of law. In the event that the Regional Administrator concludes that the May 10 contract does not qualify as a transaction, he was also directed to determine the most recent date prior to May 15, 1973, on which an actual delivery of fuel oil took place between Gulf and Vepco, or in the alternative, explain why it is not possible to make such a finding.

Accordingly, Gulf's Appeal was granted in part and the Remedial Order was remanded to the Regional Administrator for further consideration. The February 5, 1976 Order which provided for the establishment of the escrow account was also maintained pending the conclusion of this proceeding.

REQUESTS FOR EXCEPTION

Asamera Oil (U.S.) Inc.; Washington, D.C.; FEE–2359; Crude Oil; *Refined Products*

Asamera Oil (U.S.) Inc. (Asamera) filed a submission requesting various types of administrative relief in order to facilitate the firm's acquisition of a refinery (the Denver refinery) owned by the First General Resources Company (First General) and operated by The Refinery Corporation (TRC). In considering Asamera's submission the FEA determined that in order to avoid a disruption in the Denver refinery's operations and supply dislocations to purchasers of refined products from the refinery, TRC's base period relationships with purchasers of products refined at the Denver refinery should be

terminated and Asamera should be assigned to supply those customers. The FEA also determined that TRC should be permitted to sell the product inventories of the Denver refinery directly to Asamera without including those products in its allocable supply and that Asamera should be permitted to receive the crude oil which is presently being supplied to the Denver refinery under the provisions of 10 CFR 211.63. With respect to Asamera's position under the Crude Oil Buy/Sell Program, the FEA pointed out that Ruling 1976–1 indicates that upon its transfer to Asamera the Denver facility would be considered as future refining capacity and the quantity of crude oil that Asamera would be entitled to purchase under the Buy/Sell Program for the facility would be determined in accordance with Section 211.65(b). The FEA found that no material had been submitted which indicated that the Denver facility should not be considered as future refining capacity with respect to its ownership by Asamera. Finally, the FEA determined that Asamera should be granted exception relief which permits it to increase the May 15, 1973 price which TRC charged to two of the largest purchasers of motor gasoline produced at the Denver refinery.

Crystal Oil Co.; Shreveport, La.; FEE–2214; Refined Petroleum Products

The Crystal Oil Company (Crystal) filed an Application for Exception from the provisions of 10 CFR 212.83 and 10 CFR 212.87 which, if granted, would permit it to allocate increased crude oil costs and increased nonproduct costs to product categories in proportion to refinery yield rather than sales of the products involved. The firm also requested that relief be made retroactive to September 1, 1973. The FEA noted that as a result of recent amendments to the FEA Price Regulations, Crystal does not require prospective exception relief in order to allocate its increased product costs in the manner which it requested. In considering Crystal's request for retroactve exception relief, the FEA found that Crystal is a small, independent refiner which purchased substantial quantities of gasoline for resale and had historically allocated its refinery costs on the basis of its refinery yield rather than on the basis of total sales by the firm. The FEA also found that due to market conditions Crystal will be unable in the foreseeable future to recover a disporportionate amount of its refinery costs by increasing its prices for gasoline and if the firm were required to make price refunds or rollbacks in order to correct its improper allocation of costs, it would incur a substantial loss during 1976. In view of these circumstances and the precedent established in *Vickers Petroleum Corp.*, 2 FEA Par. 83,351 (November 7, 1975), and *Beacon Oil Co.*, 3 FEA Par. 83,140 (March 31, 1976), the FEA concluded that Crystal had made a compelling showing that retroactive relief is warranted. The FEA determined, however, that Crystal had failed to satisfactorily explain its failure to seek exception relief in a timely manner subsequent to the publication of *Pasco, Inc.*, 2 FEA Par. 80,628 (July 3, 1975), in which the FEA clarified the prescribed method of allocating costs. The FEA therefore limited the retroactive relief to the period from September 1, 1973 through July 31, 1975.

Energy Reserves Group Inc.; Wichita, Kans.; FEE–2204; Crude Oil

Energy Reserves Group, Inc. (Energy Reserves) filed an Application for Exception from the provisions of 10 CFR 212.72. The exception request, if granted, would eliminate for the period November 1, 1975 to the present date any cumulative deficiency in crude oil production which existed with respect to the firm's Denius-Federal Lease and permit Energy Reserves to prospectively determine the Lease's base production control level as if no current cumulative deficiency existed on November 1, 1975. In considering Energy Reserves' Application for Exception, the FEA determined that the firm had experienced severe mechanical difficulties at the Lease during October 1972 which resulted in an unusually low base production control level for that month. As a result of this situation, the FEA found that the Lease's normal crude oil operations in October 1973 resulted in the production and sale of new and released crude oil. Pursuant to the provisions of 10 CFR 212.72, after the first month in which new and released crude oil was produced and sold Energy Reserves was required to begin calculating the Lease's cumulative deficiency for each month subsequent to October 1973. As a consequence of the Lease's generally declining levels of production of crude oil, the FEA found that a cumulative deficiency of 161,513 barrels had accrued as of November 1975. The FEA also found that the firm began implementing enhanced recovery operations at the Lease during July 1974 which resulted in increased crude oil production beginning in November 1975. However, because of the deficiency which had accumulated by November 1975, Energy Reserves was required to consider the Lease's increased crude oil production during 1975 as "old oil" until the deficiency was eliminated. Because a producer's 1975 reference period base production control level is based on its production and sales of old oil, the FEA concluded that the 1975 reference period base production control level for the Lease reflects the distortion arising from the mechanical difficulties which the firm experienced in October 1972. The FEA further found that the Lease's declining production had rendered its alternative 1972 reference year base production control level unrepresentative of its current level of operations. The FEA determined that this general situation had a significant adverse impact on the firm. Based on these findings and in accordance with the precedent established in *Tennneco Oil Co.*, 2 FEA Par. 83,108 (March 31, 1975), the FEA granted Energy Reserves prospective exception relief which permitted the firm to establish the Lease's current base production control level as if it had produced 16,695 barrels of crude oil during October 1972, i.e., the Lease's average monthly crude oil production during the other 11 months of 1972. With respect to Energy Reserves' request for retroactive relief to determine prices for the crude oil production of the Lease by ignoring any past cumulative deficiency, the FEA held that Energy Reserves failed to pursue its administrative remedies in a timely manner in seeking this relief. The FEA further found that the prospective exception relief granted will permit the Lease to remain a profitable economic entity in the absence of retroactive relief. The FEA therefore denied Energy Reserves' request for retroactive relief.

Schaub Oil Co.; Madison Lake, Minn.; FEE–2231; Motor Gasoline; Heating Oil; Diesel Fuel

The Schaub Oil Company filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the issuance of FEA orders assigning the Tetonka Oil Company (Tetonka) as Schaub's new base period supplier of motor gasoline, heating oil and diesel fuel to replace its substitute base period supplier, the Inter-City Oil Company. Tetonka would also be directed to furnish Schaub with its base period use of those products. In considering the Application, the FEA noted that in previous similar cases exception relief has been generally denied where the applicant was able to purchase adequate supplies of surplus product from a supplier other than its base period supplier and was not therefore adversely affected by the requirements of Section 211.9.

With respect to the situation encountered by Schaub, the FEA determined that the firm was purchasing its total current supply requirements from Tetonka and was doing so at favorable prices. The FEA further found that neither Schaub nor Tetonka was able to provide any substantial evidence as to why Schaub's supply situation might be altered in the foreseeable future. The exception application was therefore denied.

The Oil Shale Corp.; Los Angeles, Calif.; FEE–2310; Crude Oil

The Oil Shale Corporation (Tosco) filed an Application for Exception from the provisions of Special Rule No. 6 to 10 CFR 211.67 (the Old Oil Entitlements Program). The exception request, if granted, would permit Tosco to receive the benefits of the 50,000 barrel per day exemption from the Entitlements Program accorded to small refiners for purposes of calculating its entitlement purchase obligation during the months of April and May 1976. In considering Tosco's exception request the FEA noted that Section 403(a) of the Energy Policy and Conservation Act as implemented by Special Rule No. 6 exempts refiners whose refining capacity did not on January 1, 1975 or thereafter exceed 100,000 barrels per day from the purchase requirements of the Entitlements Program with respect to their first 50,000 barrels per day of crude oil inputs or receipts or both. Since Tosco historically operated a refinery with a capacity of 87,000 barrels per day (BPD) the firm had been receiving the benefits of that exemption. However, on April 1, 1976 Tosco purchased a refinery from the Phillips Petroleum Company with a capacity of 105,000 BPD. Tosco's total refinery capacity was thereby increased to approximately 192,000 BPD. Consequently, under the provisions of Special Rule No. 6 the benefits of the 50,000 BPD exemption no longer applied to the calculation of Tosco's entitlements obligation beginning with the month of April 1976.

Tosco claimed that it was inequitable for the exemption to be eliminated for the months of April and May 1976 because its entitlements obligation during that period was based on crude oil runs which took place during February and March 1976, a period of time when the firm's refinery capacity was still 87,000 BPD.

In considering Tosco's Application, the FEA noted that the financial data which Tosco submitted in connection with its request indicates that it will be able to pass through to its customers practically all of the increased costs which it will incur as a result of the elimination of the exemption in April and May. The FEA further determined that although Tosco projects that its banked costs will increase during those two months, the amount of the projected increase is not significant in view of the substantial amount of costs which the firm projects it will actually recover and the fact that the firm doubled its total refinery capacity during this period. The FEA accordingly concluded that the application of the provisions of Special Rule No. 6 would not cause a serious hardship or gross inequity to Tosco and therefore denied the firm's exception request.

UCO Oil Co.; Washington, D.C.; FPI–0092; Finished Naphtha

UCO Oil Company (UCO) filed an Application for Exception from the provisions of

10 CFR 213.35(c) which, if granted, would permit it to import, on a license fee-exempt basis, 1,277,500 barrels of finished naphtha into PAD District V during the current allocation period. In considering UCO's exception request, the FEA determined that the firm is unable to obtain domestically produced naphtha to meet its current requirements. The FEA also found that data submitted by UCO supported its contention that the additional expense which it would incur from the payment of license fees on the volume of finished naphtha it must import would significantly impair the firm's ability to mitigate the losses which it projects it will incur in 1976. UCO also made a convincing showing that it will be unable to increase the prices of the products which it sells to reflect the payment of license fees. The FEA therefore concluded that UCO was experiencing an exceptional hardship and granted the firm's request.

SUPPLEMENTAL ORDER

Boston Gas Co.; Boston, Mass.; FEX–0034; Propane

On March 8, 1974, the Acting Regional Administrator of FEO Region I issued an Order to the Boston Gas Company. That Order granted Boston Gas an exception from the provisions of 10 CFR 211.83(f) and 10 CFR 211.51 which govern the use of propane for peak shaving, and thereby permitted the firm to use propane as a feedstock for its synthetic natural gas (SNG) plant located in Everett, Massachusetts. Subsequent to the issuance of the Order referred to above, the FEA promulgated the regulatory provisions which currently govern the allocation of feedstock for the production of synthetic natural gas, 10 CFR 211.29 and Special Rule No. 1. In Section 211.29 and Special Rule No. 1, the FEA established a specific administrative procedure which was to be used in determining a firm's base period use of SNG feedstock and assignment of suppliers where the firm did not purchase SNG feedstocks during the appropriate base period. In view of the regulatory changes regarding the allocation of feedstock for SNG plants, the FEA determined that an exception from the peak shaving regulations is no longer an appropriate means of establishing a base period volume of propane for use as feedstock in an SNG plant. The FEA therefore concluded that the March 8, 1974 Order should be rescinded. However, to permit Boston Gas to pursue its administrative remedies under Section 211.29, the FEA established January 1, 1977 as the effective date for the rescission of the previous Order, conditioned on the submission by Boston Gas of an Application pursuant to Section 211.29 within 45 days.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Eddy Refining Co., Houston, Tex., FEE–2381

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Marion Coburn, Cape Girardeau, Mo., FEE–2421

The following submission was dismissed on the grounds that the request is now moot:

Boston Gas Co., Washington, D.C., FES–0041

The following submission was dismissed on the grounds that under the FEA Procedural Regulations there is no basis for consideration of the request:

Western Jobbers Alliance, San Francisco, Calif., FES–0053

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management; Federal Energy Guidelines," a commercially published loose leaf reporter system.

MICHAEL BUTLER,
General Counsel.

JUNE 28, 1976.

[FR Doc.76–19128 Filed 6–28–76;4:03 pm]

APPEALS AND APPLICATIONS FOR EXCEPTION

Issuance of Decisions and Orders

WEEK OF MAY 31 THROUGH JUNE 4, 1976

Notice is hereby given that during the week of May 31 through June 4, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Iowa Southern Utilities Co.; Centerville, Iowa; FEA–0750; No. 2 Fuel Oil

Iowa Southern Utilities Company (ISU) filed an Appeal from a Decision and Order issued to it by the Federal Energy Administration. *Iowa Southern Util. Co.*, 2 FEA Par. 83,187 (June 16, 1975). In the Decision which it issued the FEA denied ISU's request for a permanent exception from the provisions of 10 CFR 215.3, but granted the firm a temporary exception to permit it to burn No. 2 fuel oil in combination with coal in the electrical generating units of its Bridgeport Plant for a one year period. ISU's Appeal, if granted, would reverse the June 16, 1975 Decision and grant ISU permanent exception relief from the requirements of Section 215.3. In considering ISU's Appeal, the FEA determined that the firm had demonstrated that it was unable to obtain a variance to permit the burning of coal at its Bridgeport Plant, and that if it were required to shut down the Bridgeport Plant, ISU and its customers would experience severe adverse consequences. Accordingly, the FEA concluded that ISU had made the threshold showing with respect to the inequity and unfair distribution of burdens exception criteria set forth in *Iowa Southern Util. Co.; West Penn Power Co.*, 3 FEA Par. 80,510 (November 17, 1975). Since ISU satisfied the threshold showing, the FEA considered the additional costs which ISU would experience if its request for exception were denied. In order to enable the Bridgeport Plant to utilize only coal as a fuel in compliance with State air pollution regulations, the FEA determined that ISU would incur costs in excess of $8.5 million for pollution control equipment. Based on the firm's projection that it would save 297,619 barrels of oil if it utilized coal as a fuel, the incremental cost to ISU of each barrel of oil saved would be approximately $28.88 per barrel. The FEA concluded that when this cost data was viewed in relation to the short remaining life of the Bridgeport Plant, ISU's size and resources and the nature of its operations, the additional cost to ISU of using coal at its Bridgeport Plant in compliance with State air pollution regulations would be so disproportionate to the benefits obtained in furthering national energy policy objectives that a gross inequity resulted. The FEA therefore granted permanent exception relief from the provisions of 10 CFR 215.3 to ISU which permits it to burn No. 2 fuel oil at its Bridgeport Plant.

Mobil Oil Corp.; New York, New York; FEA–0766; Exempt Products

The Mobil Oil Corporation filed an Appeal from a Decision and Order denying an Application for Exception which the firm had previously submitted. *Mobil Oil Corp.*, 3 FEA Par. 83,083 (January 23, 1976). The exception application, if granted, would have permitted Mobil to increase its selling prices of certain covered products to reflect cost increases which Mobil is required to allocate to products which are exempt from the Mandatory Petroleum Price Regulations. In its Appeal, Mobil reiterated the assertions which had previously been raised in the exceptions proceeding. Mobil states that it had been unable to raise its prices for exempt products to recover crude oil cost increases and that the regulatory requirement which prevents it from reflecting those increased crude oil costs in the prices of the covered products which it sells results in a gross inequity. In further support of its position Mobil stated that the FEA had previously granted exception relief to the Getty Oil Company and that similar relief should be approved for Mobil on the basis of that precedent. *Getty Oil Co.*, 2 FEA Par. 83,231 (August 4, 1975). In the Decision which it issued, the FEA concluded that, contrary to Mobil's claims, it was not experiencing the same type of disincentive to the sale of exempt products which Getty had demonstrated in the case in which Getty had been granted an exception from Section 212.83 (c)(2). Unlike Getty, Mobil was currently realizing substantial revenues from its sales of petroleum coke and no showing had been made that exception relief was required in this case to avoid market disruptions or inefficiencies. Mobil's Appeal was accordingly denied.

The Permian Corp.; Houston, Tex.; FEA–0768 Crude Oil

The Permian Corporation filed an Appeal from a Decision and Order issued to it by the Federal Energy Administration. *The Permian Corp.*, 3 FEA Par. 83,090 (January 30, 1976). In the Order which it issued, the FEA denied an Application for Exception which Permian had submitted from the provisions of 10 CFR, Part 212, Subpart D. Permian's exception application, if granted would have permitted the firm to pay producers of crude oil prices in excess of those authorized under 10 CFR 212.73. The Appeal, if granted, would have reversed the exception Decision and thereby relieved Permian of the obligation to review its records to determine which producers it overpaid and which customers it overcharged in crude oil transactions which occurred during the period prior to April 1, 1975. Permian contended on appeal that the FEA erred in failing to conclude that the expense which the firm would incur in manually reviewing its records of the crude oil transactions involved would be unduly burdensome in view of the economic benefit to the public if the overcharges were refunded. In considering the Appeal, the FEA found

that since Permian had provided no data with respect to the firm's financial position and level of profitability, it was impossible to conclude that the expense and effort involved in correcting Permian's errors would have a significant adverse impact on its operations. The FEA noted that in previous cases, the agency has consistently declined to approve exception relief where a firm fails to provide sufficient data from which the FEA can ascertain the nature and extent of any adverse impact to the firm of FEA regulatory requirements. Because Permian had provided no such data, the FEA concluded that the firm had failed to meet its burden of establishing that the Order being appealed was erroneous. The Appeal was accordingly denied.

Standard Oil Company of Kentucky; Louisville, Ky.; FEA–0698 Motor Gasoline

The Standard Oil Company of Kentucky (Kyso) appealed from a Decision and Order issued to the Colonial Oil Company. *Colonial Oil Co.*, 2 FEA Par. 80,704 (October 14, 1975). In the Order which it issued, the FEA granted Colonial an exception from the provisions of 10 CFR 211.9 and directed the Regional Administrator of FEA Region IV to assign Colonial a new supplier of motor gasoline for October and November of 1975. To effectuate the exception relief, the Regional Administrator issued an Assignment Order which directed Kyso to supply Colonial with gasoline for those months. Kyso's Appeal, if granted, would have vacated the exception relief granted to Colonial in the October 14 Order. In considering the Appeal, the FEA determined that at the time Colonial's request was considered it was not reasonably ascertainable by Colonial or the FEA that Kyso would be aggrieved by the action sought and therefore it was not necessary under the provisions of 10 CFR 205.104 to notify Kyso of those proceedings. However, the FEA determined that Kyso's procedural rights had been fully protected because in addition to filing an Appeal of the Assignment Order, Kyso was also permitted to appeal the October 14 Order which granted Colonial exception relief. In its Appeal, Kyso contended that instead of granting exception relief to Colonial, the FEA should have issued a Remedial Order to American Petrofina Inc., (Fina) Colonial's primary base period supplier, which required Fina to reduce the prices it charges to Colonial for motor gasoline. Kyso contended that when Fina acquired the BP Oil Corporation's operations in the southeastern United States, Fina should also have acquired BP's base price for motor gasoline sold to Colonial under the provisions of 10 CFR 212.111(c)(1). The FEA found, however, that Section 212.111(c)(1) was not applicable to the situation because BP never determined a base price to Colonial which Fina could have acquired as envisioned by Section 212.11(c)(1). The FEA also found that the regulatory use of the phrase "customary price differential" does not require that Fina's prices to its cargo purchasers, including Colonial, be less than its prices to rack purchasers simply because of BP's practice prior to February 1973. The FEA determined that "customary price differential" as used by the FEA Price Regulations relates solely to the determination of classes of purchaser and once purchasers are properly grouped into classes, the maximum allowable selling price is computed on the basis of actual May 15, 1973 prices to each class of purchaser. The FEA therefore concluded that Kyso failed to substantiate its contention that the FEA should have issued a Remedial Order to Fina. Kyso's Appeal was therefore denied.

Sun Oil Co.; Houston, Tex.; FEA–0784, FEA–0809; *Natural Gas Liquid Products*

Sun Oil Company appealed from two Decisions and Orders issued to it by the Federal Energy Administration on February 13, 1976 and March 12, 1976. The February 13 Order granted exception relief to permit Sun to increase the prices which it charges for natural gas liquid products at 12 natural gas processing plants which Sun operates, and the March 12 Order granted similar relief to seven additional plants. The relief was based on the finding that the 19 plants had experienced non-product cost increases in excess of $.005 per gallon. In the February 13 Order, the FEA denied similar relief for five plants which incurred product cost increases which were less than $.005 per gallon. Similarly, the March 12 Order denied Sun's request for exception relief at its Houston Central plant because the unrecovered non-product cost increases at that plant did not exceed the $.005 level referred to in the February 13 Decision. The Appeals, if granted, would allow Sun to pass through non-product cost increases in excess of the maximum permissible levels specified in 10 CFR 212.165 even though those increased non-product costs did not exceed $.005 per gallon. In considering Sun's Appeals, the FEA determined that Sun presented no data which suggests that the $.005 per gallon standard lacks a rational basis. The FEA also rejected Sun's assertion that the FEA acted in an arbitrary or capricious manner in denying exception relief to the plants which experienced increased non-product costs of less than $.005 per gallon and found that Sun failed to show that the use of a standard involving a certain level of incremental cost increases calculated on a unit basis at an individual plant will adversely affect the firm in a disproportionate manner. The FEA therefore denied Sun's Appeals.

REQUEST FOR EXCEPTION

Gulf Oil Corp.; Tulsa, Okla.; FEE–2241 Natural Gas Liquids

The Gulf Oil Corporation (Gulf) filed an Application for Exception from the provisions of 10 CFR 212.165. The exception request, if granted, would have permitted Gulf to increase the prices which it charges for natural gas liquid products produced at a number of its gas plants above the maximum levels permitted under the provisions of Subpart K of the FEA Mandatory Petroleum Price Regulations. In considering Gulf's application, the FEA noted that as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that its non-product costs since May 1973 have increased substantially in excess of the $.005 per gallon pass-through permitted under the provisions of Section 212.165. *See Sun Oil Company*, 3 FEA Par. ____ (June 1, 1975) and *Superior Oil Company*, 2 FEA Par. 83,271 (August 29, 1975). The FEA further noted that as a general rule, the analysis of exception applications by firms which allege they have incurred non-product cost incurred non-product cost increases substantially exceeding the $.005 pass-through would be made on a plant-by-plant basis. Since Gulf submitted data on an aggregate basis rather than on a plant-by-plant basis and since Gulf presented no persuasive arguments as to why the submission of data on a plant-by-plant basis would constitute an unreasonable burden, the FEA concluded that exception relief was not warranted. Accordingly, the Application for Exception was denied without prejudice to a resubmission.

REQUEST FOR STAY

Southland Oil Co.; Washington, D.C.; FES–2501; Motor Gasoline

The Southland Oil Company requested that any provisions of Section 212.83 which require Southland to reduce its selling prices for motor gasoline in May 1976 be stayed pending a determination on an Application for Exception which had been filed by the firm. The FEA determined that Southland's application failed to advance any arguments which addressed the criteria for granting a stay specified in Section 205.125(b) and had merely incorporated by reference the statement of facts set forth in its Application for Exception. The FEA further determined that the factual situation presented by Southland in its Application for Exception failed to make a *prima facie* showing of a likelihood of success on the merits or that it was likely that the firm would incur an irreparable injury during the period of time in which its exception request was pending. The Application for Stay was therefore denied.

SUPPLEMENTAL ORDERS

Arizona Fuels Corp.; Salt Lake City, Utah; FEX–0046; Crude Oil

On May 18, 1976, the Federal Energy Administration issued a Decision and Order to the Arizona Fuels Corporation (Arizona Fuels) which granted the firm a stay of its obligation to purchase entitlements for the months of August and September 1975 and further stayed the provisions of a Remedial Order which was issued to the firm by the FEA on April 2, 1976. *Arizona Fuels Corp.*, 3 FEA Par. ____ (May 18, 1976). However in the May 18 Decision the FEA held that in view of Arizona Fuels' history of non-compliance with FEA regulations and orders the Stay would be approved only upon the express condition that the firm place $100,000 into an escrow account within ten days of its receipt of the Order. The stay relief was further conditioned upon the submission by Arizona Fuels of a Copy of the required escrow agreement to the Office of Exceptions and Appeals of the FEA within 15 days. On June 3, 1976, the FEA determined that Arizona Fuels had failed to comply with the express conditions of the May 18 Order. The FEA therefore concluded that the Stay which was approved on May 18, 1976 should be vacated.

Cheker Oil Co.; South Chicago Heights, Ill.; FEX–0847; Motor Gasoline

On April 23, 1976 the Federal Energy Administration issued a Supplemental Order to the Cheker Oil Company (Cheker) which directed the Regional Administrator of FEA Region V to establish the firm's annual base period use of motor gasoline at 192,309,366 gallons and to determine whether Cheker is entitled to an increase above that amount. *Cheker Oil Co.*, 3 FEA Par. 87,020 (April 23, 1976). In accordance with the April 23 Order, the Regional Administrator issued an Order on April 30, 1976 which established Cheker's base period use of motor gasoline at 192,309,366 gallons. However Region V subsequently indicated to the Office of Exceptions and Appeals that additional time was needed to make the necessary determination as to whether Cheker is entitled to an increased allocation of motor gasoline. Accordingly, the FEA determined that the April 23 Order should be modified to provide an additional 30 days for the issuance of a Decision evaluating Cheker's right to an increase in its base period use of motor gasoline.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

North American Petroleum Corp.; Abilene, Tex.; FEE–2436

Wells Propane Gas Co.; Elko, Nev.; FEE–2406

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Utopia Oil Industries, Inc.; Richland, Wash.; FEA–0822

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Texas Super Duper Gas, Inc.; Houston, Tex.; FEE–2430

The following submission was dismissed on the grounds that the request is now moot:

Arizona Fuels Corp., Washington, D.C. FMR–0057

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL BUTLER,
General Counsel.

JUNE 28, 1976.

[FR Doc. 76–19129 Filed 6–28–76; 4:03 pm]

PUBLIC SERVICE CO.

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. sec. 4332(2)(C) the Federal Energy Administration (FEA) has prepared a draft environmental impact statement concerning the issuance of a Notice of Effectiveness to powerplants number 4 and 5 of the Schiller Generation Station, owned by the Public Service Company of New Hampshire and located in Portsmouth, New Hampshire. The effect of the Notice of Effectiveness would be to make effective a prohibition order issued to the powerplants on June 30, 1975; the order would prohibit the burning of petroleum products or natural gas by the powerplants as their primary energy source. This prohibition would become effective on a date to be stated in the Notice of Effectiveness.

Single copies of the draft environmental impact statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 3138, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Copies of the draft statement will also be available for public review in the FEA Information Acess Reading Room, Room 3116, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the draft statement to Executive Communications, Room 3309, Federal Energy Administration, Box HT, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Draft EIS—Schiller Generating Station." Fifteen copies should be submitted. All comments should be received by FEA by August 15, 1976, in order to receive full consideration.

A public hearing will be held on the draft environmental impact statement. The time and place of the hearing will be announced.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 29, 1976.

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

[FR Doc.76–19284 Filed 6–29–76; 4:00 pm]

FEDERAL MARITIME COMMISSION

[No. 73–28, and 73–29]

PUBLICATION OF DISCRIMINATORY RATES IN THE U.S. WEST COAST/JAPAN TRADE AND U.S. ATLANTIC AND GULF/JAPAN TRADE

Extension of Alternate Proceedings

These proceedings were instituted by Orders to Show Cause issued by the Commission in its attempt to rid the U.S./Japan trades of apparent inbound-outbound rate disparities. Shortly after institution of the proceedings the Commission adopted certain procedures whereby the disparity problem would be eliminated on a piecemeal basis. June 30, 1976 is the current deadline for completion of these procedures.

Hearing Counsel have now moved for a six month extension of these procedures. They point out that only thirteen of the 106 original disparate rates remain to be resolved and express confidence that these can be resolved within the additional six month period. Additional time is needed because original proposals for disposition of the remaining items were unacceptable to Hearing Counsel.

We are of the opinion that an extension to and including December 31, 1976 is appropriate inasmuch as these procedures have proven effective and inasmuch as it appears the proceedings can be completed by that date. It is so ordered.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–19089 Filed 6–30–76; 8:45 am]

[Docket No. 76–37]

AMERICAN CRUISE LINES, INC.

Petition for Declaratory Order

Notice is hereby given that counsel for American Cruise Lines, Inc. (Petitioner) has petitioned the Commission for a declaratory order to resolve uncertainty regarding the applicability of Public Law 89–777 to certain of its operations.

Petitioner is an interstate water carrier of passengers operating pursuant to a Certificate of Public Convenience and Necessity issued by the Interstate Commerce Commission. Public Law 89–777 requires persons arranging, offering, advertising or providing passage on a vessel, which is to embark passengers at United States ports, to obtain from the Federal Maritime Commission a certificate evidencing financial responsibility for indemnification of passengers for nonperformance of transportation.

Petitioner has complied with the requirements of P.L. 89–777 under protest. Petitioner, however, seeks an order from this Commission declaring that, pursuant to section 33 of the Shipping Act, 1916, the provisions of P.L. 89–777 are inapplicable to a carrier operating pursuant to the authority of the requirements of the Interstate Commerce Commission.

By means of this notice interested persons, including the Commission's Bureau of Hearing Counsel, are invited to comment on the petition. Any such comments, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before July 16, 1976. Any person desiring a hearing on the petition shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. A copy of any such comments shall be forwarded to counsel for petitioner.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L St., N.W., Room 11409; or may inspect the petition at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–19090 Filed 6–30–76; 8:45 am]

[Independent Ocean Freight Forwarder License No. 958–R]

ESTRELLA FORWARDING CO.

Order of Reinstatement of License

By Federal Maritime Commission Order served June 1, 1976, Estrella Forwarding Co., Independent Ocean Freight Forwarder License No. 958–R was revoked effective April 14, 1976, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on June 4, 1976 in 41 FR 22627.

An appropriate surety bond has been received in favor of Estrella Forwarding Co., and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9 of General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) Section 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 958–R shall be reissued to Estrella Forwarding Company, effective April 14, 1976. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and Served upon Estrella Forwarding Company.

DONALD J. BRUNNER,
Managing Director.

[FR Doc.76–19091 Filed 6–30–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP73–112, RP74–92, RP75–88, RP76–15, and RP76–98]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Filing of Offer of Settlement

JUNE 25, 1976.

Take notice that on June 16, 1976, Algonquin Gas Transmission Company filed with the Commission an Offer (Offer) of Settlement in the captioned proceedings. Algonquin states that the Offer relates to rates in effect since January 1, 1974 and will, if accepted, terminate the proceedings, provide for refunds, and provide for reduced rates for the future.

Any person desiring to be heard or to protest said offer of settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 9, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this offer are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19112 Filed 6–30–76;8:45 am]

[Docket No. ER76–709]

CINCINNATI GAS & ELECTRIC CO.

Electric Rates

JUNE 23, 1976.

On May 25, 1976, The Cincinnati Gas & Electric Company (CG&E) tendered for filing proposed changes in its FPC Electric Tariff, First Revised Volume No. 1.[1] For the reasons hereinafter stated, we shall accept for filing and suspend for two months the proposed tariff changes.

The tariff changes proposed by CG&E herein would increase jurisdictional revenues from the Village of Georgetown by $76,164, and from The Union Light Heat and Power Company[2] (Union Light) by $7,512,390, both based on sales for the test year ending December 31, 1976. CG&E states that the reasons for the proposed changes are (1) to overcome a revenue deficiency occasioned by the continued inflating impact on its costs, (2) to place Georgetown and Union Light under the same rate schedule, and (3) to update the fuel adjustment clause to comply with Order No. 517. CG&E requests that the proposed tariff changes be permitted to become effective on June 24, 1976.

Public notice of United's filing was issued on June 9, 1976, with protests or petitions to intervene due on or before June 27, 1976. On June 9, 1976, the Village of Georgetown, Ohio filed a petition to intervene. On June 21, 1976, Union Light filed a petition to intervene.

Our review indicates that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall suspend the proposed tariff changes for two months and establish hearing procedures.

It is noted that CG&E requests an effective date of June 24, 1976. Section 205(d) of the Federal Power Act provides that unless the Commission otherwise orders, no rate change can be placed into effect except "after thirty days' notice." Good cause having not been shown so as to warrant waiver of the prior notice requirement, the earliest effective date for the proposed rates would be June 25, 1976. Accordingly, the proposed rates shall be suspended for two months until August 25, 1976, when they may be permitted to become effective subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the proposed tariff changes as designated in the attached Appendix and to suspend the use thereof for two months until August 25, 1976, when they may become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of CG&E's tariff as proposed to be revised herein.

(3) The participation of the Village of Georgetown and Union Light (Petitioners) in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in CG&E's FPC Electric Tariff as proposed to be revised by the subject filing.

(B) Pending a hearing and a final decision thereon, CG&E's filing is hereby accepted for filing and suspended for two months, to become effective on August 25, 1976, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before December 20, 1976. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The above-named Petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; Provided, however, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) CG&E shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(G) The Secretary shall cause the prompt publication of this order in the Federal Register and shall serve a copy thereof on the wholesale customers of Union Light, Heat and Power Company.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19044 Filed 6–30–76;8:45 am]

[Rate Schedule Nos. 390, *et al.*]

CITIES SERVICE OIL CO. ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

JUNE 25, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 16, 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] See attached Appendix for designations.
[2] A wholly-owned subsidiary of CG&E.

1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 14, 1976	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	390	United Gas Pipe Line Co.	Other Southwest.
Do	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	46	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do	do	71	do	Do.
Do	do	265	do	Do.
June 15, 1976	do	66	do	Do.
Do	do	262	do	Do.
June 17, 1976	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[1] 597	Northern Natural Gas Co.	Permian Basin.

[1] Tentative designation, supersedes Phillips' rate schedule No. 18 insofar as it pertains to sales from Andrews plant.

[FR Doc.76-19123 Filed 7-1-76;8:45 am]

[Docket No. RP75-106 and RP75-105 (Consolidated Taxes)]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Order Granting Late Intervention

JUNE 21, 1976.

On September 23, 1976, the Columbia Gas Transmission Corporation and Columbia Gulf Transmission Corporation tendered for filing a settlement agreement in the above dockets intended to resolve all issues, save one, deferred for separate hearing. By order issued December 1, 1975, the settlement was approved and the reserved issue set for hearing. An untimely notice of intervention was filed by the Public Service Commission of West Virginia (PSCWV) on May 12, 1976. Having reviewed the above notice of intervention, we believe that PSCWV has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named Commission to intervene.

The Commission orders: (A) The above-named intervenor is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19117 Filed 6-30-76;8:45 am]

[Docket No. ER76-744]

CONNECTICUT LIGHT AND POWER CO.

Notice of Filing of Termination Notice

JUNE 25, 1976.

Take notice that on June 16, 1976, Connecticut Light and Power Company (CL&P) tendered for filing a Notice of Termination effective April 1, 1976, of CL&P's Rate Schedule FPC No. 98.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19113 Filed 6-30-76;8:45 am]

[Docket Nos. RP75-114, RP71-15 (PGA76-1) and RP75-28 (DCA76-1)]

EAST TENNESSEE NATURAL GAS CO.

Prehearing Conference

JUNE 25, 1976.

On June 18, 1976, East Tennessee Natural Gas Company filed a motion to convene a prehearing conference for the purpose of formally placing on the record the Settlement Agreement and the evidence served by East Tennessee and the Commission's Staff in Docket No. RP75-114 for certification to the Commission.

Upon consideration, notice is hereby given that a conference will be held for such purposes before an Administrative Law Judge on Monday, June 28, 1976 at 9:30 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19122 Filed 6-30-76;8:45 am]

[Docket Nos. RP72-155, RP75-39 (PGA76-1)]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

JUNE 25, 1976.

On June 11, 1976, Staff Counsel file a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued June 4, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and Intervenors Testimony, July 13, 1976.
Service of Company Rebuttal, July 29, 1976.
Hearing, August 17, 1976, (10:00 a.m., EDT).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19109 Filed 6-30-76;8:45 am]

[Docket No. ER76-587]

GEORGIA POWER CO.

Order Granting in Part and Denying in Part Applications for Rehearing

JUNE 25, 1976.

On May 28, 1976, Oglethorpe Electric Membership Corporation, an intervenor herein, filed an application for rehearing of the Commission's order issued April 30, 1976 in the above-captioned docket. As bases for rehearing, Oglethorpe alleges that (1) Georgia Power Company's filing shows that it is earning a more than adequate rate of return with its PR-1R rate yielding 10.71%, which, Oglethorpe states, equates to a 17.2% return on common equity; (2) "defects and deficiencies" in Georgia Power's filed cost of service plus the allegedly excessive rate of return requested make the proposed rate increase so excessive that a full five month suspension should be granted; and that (3) absent a reversal of *Conway*[1] by the United States Supreme Court, that decision remains the controlling law and intervenors should be permitted to make a record on the price-squeeze issue while the evidence is fresh. On June 14, 1976, Oglethorpe filed a supplement to its May 28 application for rehearing of the April 30 order together with an application for rehearing of the Commission's May 24, 1976 order in light of the June 7, 1976 decision by the United States Supreme Court[2] affirming the decision of the U.S. Court of Appeals for the the District of Columbia Circuit in the *Conway* case. In its June 14 pleading, Oglethorpe argues (1) that the Commis-

[1] *Conway Corporation* v. *F.P.C.*, 510 F. 2d 1264 (1975).

[2] *F.P.C.* v. *Conway Corp.*, No. 75-342, O.T. 1975, decided June 7, 1976.

sion erred in excluding the "price squeeze" issue from its deliberation in determining the length of suspension period and (2) that under the Supreme Court's decision in *Conway*, the Commission must permit Oglethorpe to adduce its "price squeeze" evidence in this proceeding. For the reasons hereinafter stated, we shall grant the application for rehearing as to the price-squeeze issue and deny rehearing in all other respects.

On March 31, 1976 Georgia Power Company submitted for filing proposed increases in its FPC Electric Tariff, Original Volume No. 2. Two petitions to intervene were received, including one filed on April 16, 1976 by Oglethorpe which also contained the above mentioned allegations regarding price squeeze, the need for a five month suspension and the allegedly "grossly excessive" rate of return. By order issued April 30, 1976, the Commission accepted Georgia Power's submittal for filing, suspended its effectiveness for three months, or until August 1, 1976, granted interventions, denied the motion for a five month suspension, excluded the price squeeze issue, and established procedures. On April 30, 1976 Oglethorpe filed a motion for summary disposition of the rate filing on the ground that Georgia Power is allegedly earning a more than adequate return, or, in the alternative, a motion to suspend the proposed increase for five months. Both motions were denied by order issued May 24, 1976.

Upon review and consideration of the subject pleadings we reaffirm our May 24, 1976, order and find that good cause does not exist to lengthen the three month suspension previously ordered or to summarily dispose of the rate of return issue presented by Georgia Power's filing. However, with respect to the "price squeeze" issue, [the Commission notes that on June 7, 1976,] in light of the United States Supreme Court decision in the *Conway* case, we shall grant rehearing on this issue and amend the April 30, 1976, order herein to permit consideration of the "price squeeze" issue in the instant proceeding.

Accordingly, Oglethorpe's application for rehearing shall be denied with the exception of the action taken herein with respect to the "price squeeze" issue.

The Commission finds: (1) Good cause exists to grant rehearing of the April 30, 1976, order in this docket to permit consideration of the "price squeeze" issue in this proceeding.

(2) Good cause exists to deny Oglethorpe's application for rehearing as it relates to issues other than consideration of the "price squeeze" issue.

The Commission orders: (A) Rehearing of the April 30, 1976, order is granted to permit consideration of the "price squeeze" issue in this proceeding.

(B) Oglethorpe's application for rehearing as it relates to issues other than consideration of the "price squeeze" issue is hereby denied.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19110 Filed 6-30-76;8:45 am]

[Docket Nos. CP75-104, CP75-81, CP75-16]

HIGH ISLAND OFFSHORE SYSTEM

Order Granting Rehearing and Noticing of Oral Argument

JUNE 24, 1976.

High Island Offshore System successor in interest to Texas Offshore Pipeline System, Inc., Amtex Offshore Pipeline Company and Natural Gas Pipe Line Company of America.

On June 4, 1976, the Commission issued an order in the above-captioned proceeding entitled "Findings and Order after Statutory Hearing Issuing Conditioned Certificate of Public Convenience and Necessity and Granting Petitions to Intervene." This order granted a certificate of public convenience and necessity to the High Island Offshore System (HIOS) for the construction and operation of major pipeline facilities in the Gulf of Mexico to transport gas reserves from the High Island Area, offshore Texas, and the West Cameron Area, offshore Louisiana.

In that order the Commission determined that the proposed monthly demand charge of $7.94 per Mcf, as reflected in the amended HIOS application filed on September 8, 1975, would not be approved due to the uncertainty of the reserve estimates made by the Applicants, and in order to protect the consumer from higher costs in the event such reserves were lower than those estimated. In lieu of this demand charge, the Commission determined that the charge to each shipper should be determined on a unit of production basis. HIOS was required to determine annual costs of service which would be recovered through estimated annual volumes based upon a production schedule designed to deplete the estimated recoverable reserves of 5.0 Tcf using the design capacity of 988.0 MMcf per day proposed by HIOS.

In its application for rehearing and oral argument, HIOS argues that financing of the project cannot be obtained without modification of the "unit-of-production" rate basis and without the Commission's guarantee of minimum revenues. HIOS further contends that the Commission's use of the 5.0 Tcf reserve estimate as the divisor in obtaining a unit rate is unreasonable since the staff estimates of "proved and probable" reserves in the High Island area are only 2.53 Tcf. HIOS argues that this treatment puts HIOS in the position of guaranteeing 5.0 Tcf even though precise volumes are unknown and the volumes to be transported are not within its control.

HIOS suggests three alternatives to the "unit-of-production" rate. First, HIOS recommends reinstatement of the capacity demand rate to assure recovery of the HIOS' cost of service and to apportion the risks between affiliated and non-affiliated shippers. As a second alternative, HIOS suggests a "cost-of-service" form of rate schedule whereby cost of service would be determined periodically based upon estimated volumes to be transported during the ensuing period. Such cost-of-service would be based upon a predetermined depreciation rate and return on equity. Thirdly, HIOS has proposed a modified unit-of-production rate under which a cost of service would be computed periodically. A demand charge, based upon reserved capacity, would be determined each year which would be sufficient to cover the interest and sinking fund requirements of the debt. The remainder of the cost of service would be a commodity charge to each shipper determined by volumes transported multiplied by a commodity charge using a unit of production method based on 3.2 Tcf of reserves.

Despite the Applicant's contention that the unit-of-production rate approach makes financing of the HIOS project unobtainable, we must again reiterate our intention to protect the consumer from unreasonably high transportation charges. HIOS, in its application for rehearing, admits that the unit investment and transportation costs will be higher if the reserves are less than those estimated. By the computation submitted by HIOS in its application for rehearing, the difference between the 5.0 Tcf of proved, probable and potential reserves estimated by HIOS and the 2:53 Tcf of proved and probable reserves estimated by the Staff would result in an additional 7 cents per Mcf for investment alone.[1]

Our decision to utilize the unit-of-production rate charge rather than the proposed demand charge was based upon the uncertainty surrounding the estimates of reserves in the High Island Area. The record in this proceeding was not sufficient to justify approval of the project under the terms proposed by HIOS. Accordingly, the unit-of-production basis was devised to relieve the consumer of the risk of uncertainty of reserves and deliverability and to place this burden on the proposer of the project.

We are aware of the urgent need to transport these reserves of natural gas from the High Island Area. The issue with which we are confronted is whether such reserves could be transported by an alternative and less expensive transportation system. The issuance of the

[1] Applicant's computations evidently are based on the estimated investment for the HIOS applications alone. Fulfillment of the overall project will require later Commission approval of related applications estimated to cost an additional $63.7 million; thus the total unit investment cost difference is approximately 9.6 cents per Mcf.

certificate on June 4, 1976, represented a recognition of the absence of presently feasible alternatives and a recognition of the detailed and extensive planning that has been undertaken by HIOS in submitting this unified project. However, to utilize a reserve estimate of less than the 5.0 Tcf requires that this issue of alternative transportation systems be further explored.

For these reasons, we have determined that it is in the public interest to grant rehearing of the June 4, 1976 order and to permit oral argument before the Commission. HIOS and any intervenor giving notice of its intent to present argument will be permitted to address those issues raised in the application for rehearing and any questions raised by the Commission. In addition, HIOS will be required to furnish the Commission with certain information that will be requested in a Notice, subsequent to the issuance of this order.

The Commission orders: (A) The application for rehearing of the June 4, 1976 order in this proceeding is hereby granted.

(B) The request for oral argument upon the issues raised in the application for rehearing is granted. On or before July 1, 1976, any party to this proceeding may notify the Secretary of its intention to appear for oral argument and the amount of time desired to present its argument. Subsequently, the Secretary will publish a notice stating the order of argument and the time allotted each participant. Oral argument as to those issues, plus any questions raised by the Commission, will commence before the Commission on July 7, 1976, at 2:00 a.m., E.D.T., in a Hearing Room of the Federal Power Commission at 825 N. Capitol Street, N.E., Washington, D.C. 20426.

(C) The Secretary is directed to issue a Notice containing the requests for additional information sought by the Commission, subsequent to the issuance of this order.

(D) Any interested person may submit to the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, not later than July 1, 1976, data, views and comments or suggestions in writing concerning the issues raised by HIOS in its application for rehearing. The Commission will consider all such written submittals before acting on the matters herein discussed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title and mailing address of the person filing such comments.

(E) The Secretary is directed to publish this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19116 Filed 6-30-76;8:45 am]

[Docket Nos. ER76-469 and ER76-508]

IDAHO POWER CO.

Notice of Settlement Conference

JUNE 23, 1976.

Take notice that on July 22, 1976, a conference of all parties to intervene in these consolidated proceedings, Idaho Power Company, and Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, N.E., Washington, D.C., at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19120 Filed 6-30-76;8:45 am]

[Docket Nos. RI74-188 and RI75-21]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Notice of Petition for Special Relief

JUNE 25, 1976.

Take notice that on June 17, 1976, Independent Oil & Gas Association of West Virginia (Petitioner), Kanawha Valley Building, Charleston, West Virginia, 25301, filed a supplemental petition in the above-captioned proceedings requesting that twenty-one of its members be permitted to collect the settlement rates approved by the Commission in Docket Nos. RI74-188 and RI75-21 on March 19 and 22, respectively. Petitioner states that the twenty-one small producers would be eligible to receive the relief accorded but for the untimeliness of their participation in the proceedings. Petitioner further states that inclusion of the producers supplementally will not affect the validity of the underlying cost data or analysis relied upon in the proceedings.

Petitioner also requests that the Commission reopen the proceedings in Docket Nos. RI74-188 and RI75-21 for a limited period of time to permit certain additional small producers in West Virginia to submit petitions to intervene therein.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 15, 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 Practices 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.76-19115 Filed 6-30-76;8:45 am]

[Docket Nos. RI76-120 and CI73-715]

INEXCO OIL CO.

Order Denying Petition for Special Relief and Denying Amendment to Certificate Application

JUNE 21, 1976.

On March 29, 1976, Inexco Oil Company ("Inexco") filed a petition for special relief under Section 2.56a(g)[1] for sales of natural gas to Southern Natural Gas Company ("Southern") from wells commenced after July 1, 1975, in the Logansport Field, DeSoto Parish, Louisiana.[2]

Simultaneously, Inexco filed an amended application for a certificate of public convenience and necessity as a successor-in-interest to part of Norris Oil Company's ("Norris") undeveloped leases in the Logansport Field.[3] By this amended application, Inexco requests that the Commission grant it a permanent certificate under Section 7(c) of the Act[4] authorizing gas sales from wells commenced after July 1, 1975, to Southern under the terms of a Ratification and Amendment Agreement dated January 7, 1976.[5]

Norris, predecessor-in-interest to Inexco, was granted a certificate under the optional procedure of 18 CFR 2.75 in Opinion No. 709 at an initial base price of 50¢/Mcf.[6] The Commission in Opinion No. 709 stated that:

> The major objective of the optional certificate procedure is to encourage producers to discover and commit additional supplies to natural gas to the interstate market, especially those volumes which would not be forthcoming under area rates. The incentive for initial and continuing commitment of capital is essential to orderly development.

[1] 18 CFR § 2.56a(g).
[2] Docket No. RI76-118.
[3] Docket No. CI76-288.
[4] 15 U.S.C. § 717f(c).
[5] Exhibit A attached to Inexco's Amended Application For Certificate Of Public Convenience and Necessity, Docket No. CI73-715 (March 29, 1976).
[6] Opinion No. 709, Docket Nos. CI73-715 and CI73-722 issued October 30, 1974.

In this case, Norris is committed to drilling about 10 wells, with an estimated 32 Bcf in recoverable reserves, for delivery to Southern if the proposed initial rate is approved by the Commission.[7]

The Commission found the rate "proposed by the applicant is just and reasonable" based upon Norris' ability and willingness "properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder." [8]

Subsection C of the Commission's Order [9] stated:

> Pursuant to Section 2.75(m) of our Regulations acceptance of this certificate shall constitute waiver by the applicant of: (1) all rights to seek future rate increases under Section 4 of the Natural Gas Act with respect to the contract submitted, other than price escalations as certified by the Commission. * * *

Norris by accepting [10] this certificate of public convenience and necessity under the optional procedure method was bound to adhere to the regulations accompanying the certificate. 18 CFR 2.75(m) bars Norris from successfully petitioning the Commission for any change in the rates not incorporated in its certificate for the life of the underlying contract. Therefore, if the applicant in this case was Norris, the result would be the denial of the petition for special relief pursuant to 18 CFR 2.75(m)(1).

The same result applied to Inexco—the petitioner herein. Inexco acquired the entire working interest held by Norris in certain undeveloped leases in the Logansport Field covered by the certificate granted to Norris in Opinion No. 709 *supra*, by an assignment dated October 15, 1975. Inexco estimates that there are approximately 13.68 Bcf of recoverable gas reserves underlying the leases it acquired from Norris. The remaining leases in the Logansport Field in which Norris had an interest were assigned to American Pacific International Inc., ("API") by Norris on May 27, 1975.[11]

An assignee "stands in the shoes" of the assignor. In *National City Bank* v. *United States*,[12] the court said:

> It is well established that an assignee stands in the shoes of the assignor, and that by assignment the assignee could acquire no greater rights than its assignor.
>
> The [assignee] plaintiff is subject to all the defences which would have been available against the assignor.

Therefore, since the assignor—Norris has no right to seek future rate increases not authorized under the certificate granted in Opinion No. 709, the assignee—Inexco stands in the same position. It makes no difference that there were two partial assignments of Norris' contract—one to API and the other to Inexco. An assignment of a divisable portion of performance separately due under a contract is not to be regarded as a partial but as a total assignment.[13]

Although as "between the assignee and the assignor, the assignee is bound to carry out the provisions of the assigned contract and in all respects to comply with the terms of the assignment" [14] the performance in such a case is in legal contemplation rendered by the original obligor, who is still the party liable if the performance is incorrect.[15] The *quid pro quo* for Commission's grant of an optional procedure certificate to Norris in Opinion No. 709 was that "Norris is committed to drilling about 10 wells, with an estimated 32 Bcf in recoverable reserves for delivery to Southern." [16]

II

In its March 29, 1976, amendment to its application for a certificate of public convenience and necesstiy,[17] Inexco requested that the terms of the Ratification and Amendment Agreement (Agreement) between Inexco and Southern, dated January 7, 1976, be incorporated into the certificate. The Agreement [18] on page 2 states that the "Seller is willing and hereby obligates itself to drill or cause to be drilled such additional wells in the Logansport Field * * * if the price payable under the contract for gas produced from such additional wells is increased * * *." Since the agreement provides for a rate above that certificated under the optional procedure in Opinion No. 709, it violates 18 CFR 2.75(d) and (*1*).

On page 3 of the Agreement [19] there is included an indefinite pricing clause which is expressly prohibited by 18 CFR 2.75(f). The Agreement provides that in the event there exists a higher "area" rate than the rate authorized under the certificate, the higher area rate will apply to the certificated sale of gas. This part of the Agreement is also improper. In view of the foregoing, we shall deny Inexco's request to amend its certificate.

The Commission orders: (A) For the above stated reasons, Inexco's petition for special relief pursuant to 18 CFR 2.56a(g) filed March 29, 1976, in Docket No. RI76–120 is hereby denied.

(B) Inexco's Amended Application For a Certificate of Public Convenience and Necessity dated March 29, 1976, (Docket No. CI73–715) is not accepted by the Commission pursuant to 18 C.F.R. 1.11 (a).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19121 Filed 6–30–76;8:45 am]

[Docket No. ER76–658]

IOWA POWER AND LIGHT CO.

Notice of Supplemental Filing

JUNE 25, 1976.

Take notice that on June 15, 1976, Iowa Power & Light Company (Iowa Power) tendered for filing certain additional information in response to two separate letters from the Commission dated May 28, 1976. Iowa Power states that the requested effective date of its Rate Schedule No. 811 is July 20, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–19111 Filed 6–30–76;8:45 am]

---

[7] *Id.* at 4.

[8] *Id.* at 10.

[9] *Id.* at 11.

[10] The Supreme Court stated in approving the optional procedure in *FPC* v *Moss, et al.* — US — (March 3, 1976) mimeo at 3: "Third, a permanent certificate issued by the Commission and accepted by the producer is not subject to change in later proceedings under § 4 of the Act, 15 U.S.C. § 717c * * *." (Footnote omitted). See also, *Felmont Oil Corp.*, Order Denying Petition For Declaratory Order, Denying Petition For Waiver Of Regulations, and Rejecting Filing, Docket No. CI73–642 (March 29, 1976) wherein the Commission denied waiver of the provisions of optional procedure. And see, *Ecee, Inc. et al.*, Certificate granted under optional procedure, Docket No. CI73–456, (September 14, 1973) 50 FPC Reports 727.

[11] American Pacific International, Inc., Docket Nos. RI76–118 and CI76–288.

[12] 163 F. Supp. 846, (Ct. Cl.) See also, *Adams* v. *Webster* 25 La. Ann. 117; Williston on Contracts Third Ed. Section 432; *U.S.* v. *Buford*, 3 Pet. 12, 28 U.S. 12 (1830); *Guaranty Trust Co.* v. *U.S.* 304 U.S. 126, 141–3 (1938). The Commission in Opinion No. 408, Docket No. G–19246, *Graridge Corp. et al.*, issued October 31, 1963, 30 FPC Reports 1156, 1162 said: "Each successor, by stepping into the shoes of his predecessor, takes the properties and sales subject to any benefits or infirmities inherent therein."

[13] Williston on Contracts, Third Edition, Section 441 at 301; *Timmons* v. *Citizens' Bank*, 11 Ga App 69, 74 F. 2d 193 (CCA8).

[14] *Imperial Refining Co.* v. *Kanotex Refining Co.* 29 F. 2d 193 (CCA8).

[15] *Crane Ice Cream Co.* v. *Terminal F & H Co.* 147 Md. 588, 128 A 280; *United New York Sandy Hook Pilots Asso.* v. *Rodermond Industries, Inc.* 394 F. 2d 65 (CA3). And See, 18 CFR 157.29(e) which holds the certificate of public convenience and necessity to be nontransferrable.

[16] Opinion No. 709, Docket Nos. CI73–715 and CI73–722 October 30, 1974 at 4.

[17] Docket No. CI73–715.

[18] Exhibit A of Inexco's Amended Application for Certificate Of Public Convenience And Necessity, Docket No. CI73–715.

[19] *Id.* at 3. In approving 18 CFR 2.75(f) the D.C. Circuit Court of Appeals in *Moss* v. *F.P.C.*, 502 F. 2d 461, 471 (1974) said: "It is reasonable to make the 'area rate' clauses unavailable to a producer who by exercising this option elects not to adhere to the area ceiling."

[Docket No. RP73-48 (PGA76-4)]

NORTHERN NATURAL GAS CO., PEOPLES NATURAL GAS DIVISION

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JUNE 23, 1976.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company (Northern) on June 15, 1976, tendered for filing Twelfth Revised Sheet No. 3a of its FPC Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective July 1, 1976, would increase the rate per Mcf to jurisdictional customers by 2.58¢ per Mcf. Northern states that this increase reflects the net effect of a June 1 rate reduction by Colorado Interstate, and a July 1 PGA by Colorado Interstate which resulted from producer increases made pursuant to FPC Opinion No. 749. Northern states that Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Northern requests waiver of the 45-day notice requirements contained in its tariff to allow the tendered tariff sheet to become effective on July 1, 1976.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19118 Filed 6-30-76;8:45 am]

[Docket No. RP73-8 (PGA76-10)]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 23, 1976.

Take notice that North Penn Gas Company (North Penn) on June 14, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective July 1, 1976.

North Penn states that the PGA filing was triggered by PGA increases filed by Consolidated Gas Supply Corporation, Tennessee Gas Pipeline Company and Transcontinental Gas Pipe Line Corporation, all for effectiveness July 1, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on July 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19119 Filed 6-30-76;8:45 am]

[Docket No. ER76-741]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Contract Supplement

JUNE 25, 1976.

Take notice that on June 11, 1976, Virginia Electric and Power Company(Virginia) tendered for filing a Contract Supplement dated May 17, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 85-45 between Virginia and Southside Electric Cooperative.

The supplement requests Commission authorization for the relocation of metering facilities from 12.5 kV to 34.5 kV at Pointon Delivery Point, located on the east side of Route 614 approximately 1,000 feet south of Route 624 near Amelia, Amelia County, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is May 26, 1976.

Virginia further states that copies of the filing have been mailed to the customer, the Virginia State Corporation Commission and the Southeastern Power Administration.

Any person desiring to be heard or to make any protest with reference to said application 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. The application is on file with the Commssion and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-19114 Filed 6-30-76;8:45 am]

FEDERAL RESERVE SYSTEM

HAMPTON BANKSHARES CORP. ET AL.

Proposed Retention of Trust Company

Hampton Bankshares Corporation, Clayton Bancshares Corporation, and Crestwood Bank Shares Corporation, St. Louis, Missouri, have applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Clayton Trust Company, Clayton, Missouri. Notice of the application was published on May 22, 1976 in The St. Louis Countian, a newspaper circulated in St. Louis, Missouri.

Applicants state that the proposed subsidiary would perform the activities that may be carried on by a trust company including activities of a trust, fiduciary, agency or custodian nature, in the manner authorized by the laws of the State of Missouri but not to accept demand deposits, make commercial loans, or engage in the banking business. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 27, 1976.

Board of Governors of the Federal Reserve System, June 25, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-19065 Filed 6-30-76;8:45 am]

[Reg. Q; Docket No. R-0045]

INTEREST ON DEPOSITS

Temporary Suspension of Early Withdrawal Penalty

The Board has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks (12 CFR 217.4(d)) for depositors affected by the collapse of the Teton Dam on June 5, 1976. On June 6, 1976, the President, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141), designated the following Idaho counties a major disaster area: Bingham, Bonneville, Fremont, Jefferson and Madison. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to flood victims by temporarily suspending the Regulation Q early withdrawal penalty.[1] The Board's action permits a member bank to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has, in fact, suffered property or other financial loss in the disaster area as a result of the collapse of the Teton Dam. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed application describing fully the disaster-related loss. This application should be approved and certified by an officer of the bank. This action will be retroactive to June 6, 1976, and will remain in effect until 12 midnight December 31, 1976.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) provides that no member bank shall pay any time deposit before maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board. Pursuant to § 19(j) the Board has determined it to be in the overriding public interest to suspend the penalty provision prescribed in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within those counties of the State of Idaho officially designated a major disaster area by the President. This action will be effective from June 6, 1976, until 12 midnight December 31, 1976. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster area.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons directly affected by the severe damage and destruction occasioned by the collapse of the Teton Dam, the Board finds that good cause exists for dispensing with notice and public participation referred to in section 553(b) of Title 5 of the United States Code with respect to this action and that public procedure with regard to this action would be contrary to the public interest. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, the Board finds that there is good cause to make the action effective immediately.

By order of the Board of Governors, June 25, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-19066 Filed 6-30-76;8:45 am]

[1] Section 217.4(d) of Regulation Q provides that where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that currently prescribed for a savings deposit and that the depositor shall forfeit three months of interest payable at such rate.

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation G-17; Supplement 2]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Reduction in Motor Vehicle Fuel Consumption

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-17, Supplement 1, dated June 23, 1975, and provides additional minor changes.

2. *Effective date.* This supplement is effective June 30, 1976.

3. *Expiration date.* FPMR Temporary Regulation G-17, Supplement 1, and this Supplement 2 expire December 31, 1976, unless sooner revised or superseded.

4. *Applicability.* The provisions of this supplement apply to all executive agencies.

5. *Background.* The expiration date is extended to allow GSA time to conform the policy contained in Attachment A (Federal Motor Vehicle Management), Federal Management Circular (FMC) 74-1 with that contained in the Energy Policy and Conservation Act (Pub. L. 94-163). The provisions of Attachment A to FMC 74-1 will be revised and published as an amendment to the FPMR. At that time FPMR Temporary Regulation G-17 and supplements thereto will be canceled.

6. *Changes.* FPMR Temporary Regulation G-17 is further revised by the following pen-and-ink changes.

a. *Paragraph 3.* Delete "June 30, 1976" and substitute "December 31, 1976."

b. *Subparagraph 6b.* Delete "fiscal year 1975 or 1976" and substitute "fiscal year 1976 or 1977."

c. *Paragraph 2, attachment A.* Add "and 1977" after the words "fiscal year 1976."

d. *Paragraph 3, attachment A.* Delete "fiscal year 1975" and substitute "fiscal years 1975, 1976, or 1977."

7. *Agency comments.* Comments concerning the effect or impact of this supplement on agency operations should be submitted to the General Services Administration (FZT), Washington, DC 20406, no later than August 31, 1976.

Dated: June 28, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-19141 Filed 6-29-76;9:56 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDER REMOVAL WICKS

Notice of Investigation

Notice is hereby given that:

A complaint was filed with the United States International Trade Commission on May 10, 1976, on behalf of Solder Removal Company and Jesse C. Hood, both of Covina, California, alleging unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States of certain solder removal wicks, or in their sale, by reason of (1) their coverage by one or more claims of U.S. Letters Patent No. 3,627,191, (2) their being "passed off" as the product of the Solder Removal Company, (3) their being falsely labeled as having a registered trademark, and (4) their being falsely advertised with the words "patents are applied" for and "Pat. pend." Complainants further allege that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainants request that the imports in question be excluded from entry into the United States or, alternatively, that respondents be ordered to cease and desist from engaging in the alleged unfair methods of competition and unfair acts.

Having considered the complaint above, the United States International Trade Commission on June 24, 1976, ORDERED—

(1) That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether, on the basis of the foregoing allegations, there is a violation of this section in the importation of such solder removal wicks into the United States, or in their sale.

(2) That for the purpose of the investigation so instituted,

Signalarm, Inc.
1348 Page
Springfield, Mass.

Spirig
CH-8640 Rapperwil
P.O. Box 160
Speerstrasse 14, Switzerland

are alleged to be involved in the importation of such solder removal wicks into the United States, or in their sale, as owners, importers, consignees, or agents of either, and are hereby named as respondents upon whom the complaint will be served.

(3) That for the purposes of the investigation so instituted, Myron R. Renick, United State International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is appointed as Presiding Officer.

(4) That for the purposes of the investigation so instituted, Steven D. Moskowitz, United States International Trade Commission, 701 E Street N.W., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710; Apr. 27, 1976). Such responses will be considered by the Commission if received not later than 30 days after the date of service of the complaint pursuant to sections 201.16(d) and 210.-21(a) of the Commission's rules, as amended.

Extensions of time for submitting a response will not be granted unless good and sufficient cause is shown therefor.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-19064 Filed 6-30-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION 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 Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on July 16, 1976, from 9:30 a.m.-5:30 p.m. in Room 1127, of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on July 16 from 9:30 a.m.-12:30 p.m. and 2:30-5:30 p.m. on a space available basis. Accommodations are limited. Interested persons may submit written statements with the committee. During the open session the graphics of the United States Information Agency will be evaluated.

The remaining sessions of this meeting on July 16 from 12:30-2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-19146 Filed 6-30-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-27]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

The National Transportation Safety Board announces the release during the past week of 4 accident reports and 11 safety recommendations concerning aviation, highway, and pipeline transportation.

Aircraft Accident Report. On June 24 the Safety Board, after investigating the crash last August 27 of a Continental Air Lines Boeing 727-244 on takeoff from Stapleton International Airport at Denver, Colorado, released its report, No. NTSB-AAR-76-14. The Board determined that the probable cause of the accident was the aircraft's encounter, immediately following takeoff, with severe wind shear at an altitude and airspeed which precluded recovery to level flight. The wind shear caused the aircraft to descend at a rate which could not be overcome, even though the aircraft was flown at or near its maximum lift capability throughout the encounter. The wind shear was generated by the outflow from a thunderstorm which was over the aircraft's departure path.

On June 9 the Safety Board recommended a joint government-industry study of existing airline takeoff procedures and development of procedures which might better enable pilots to cope with low-altitude wind shear. (Recommendation A-76-76; see 41 FR 24639, June 17, 1976.) The Board's investigation also showed that the Continental flight crew has not carried out normal assignments for supervision of passenger cabin evacuation. The Board in recommendations A-76-73 through A-76-75 (41 FR 24639, June 17, 1976) also on June 9 asked that the Federal Aviation Administration adopt new requirements seeking improved and better-coordinated training of both flight and cabin crewmembers of Continental and other U.S. airlines.

Highway Accident Report. Research to find new ways to combat the threat of fire and explosion from sudden dispersal of liquefied gas in ruptured tank trucks was called for by the Safety Board in reporting on a Surtigas, S.A., tractor-tank-semitrailer that exploded and burned when it slammed into an irrigation headwall near Eagle Pass, Texas, April 29, 1975. The Board's report, No. NTSB-HAR-76-4, released June 21, indicates that the probable cause of the accident was the evasive action taken by the truckdriver to avoid a slowing vehicle in his path of travel. The cause of the 16 fatalities and injuries to 51 persons in the vicinity was the explosive force and fire, from which they had nc time to escape. The rapid development of the explosive force and fire was caused by the gross rupture of the tank.

Also released June 9, after investigation of this accident, were three separate Safety Board recommendation letters, addressed to:

Federal Highway Administration, recommending regulatory action to make the criteria established in the Handbook of Highway Safety Design and Operating Practices (E2 Culverts and Bridge Structures) mandatory for all modified and new designs. (Recommendation H-76-19.)

Texas State Department of Highways and Public Transportation, recommending (1) an inventory of existing unprotected, raised concrete culvert endwalls and headwalls to establish a priority within their highway safety improvement program for their modification in accordance with FHA-recommended practices. (H-76-17); and (2) an engineering survey on U.S. Route 277 between the intersection with U.S. Route 57 and the city limits of Eagle Pass to determine whether a prohibition of parking on the shoulder of this high-speed highway or a reduction in the speed limit, or both, would reduce the traffic conflicts in this area, appropriate actions to be taken in accordance with the survey's findings (H-76-18).

U.S. Department of Transportation, recommending (1) a research program to identify new approaches to reduce the injuries and damages caused by the dangerous behavior of pressurized, liquefied flammable gases released from breached tanks on bulk transport vehicles (I-76-5); and (2) a regulation to require the safety registration statements authorized by section 106(b) of the Hazardous Materials Transportation Act of persons transporting bulk shipments of pressurized, liquefied petroleum gases in a form and quantity capable of causing widespread injury and property damage in transportation accidents (I-76-6).

All five recommendations are designated "Class II," for priority followup.

Highway Accident Report. The Georgia truck-bus collision which injured then-Army Secretary Howard Callaway and truckdriver's failure to operate "at a proper speed and with a proper level of attention to and concern for safe driving," according to Safety Board report NTSB-HAR-76-5, released June 26.

Both drivers were killed and 19 of the 20 passengers on the bus were injured in the head-on collision on U.S. Route 27 near Hamilton, Georgia, June 6, 1975.

Pipeline Accident Report. The inadvertent closing of a 12-inch valve, the resulting buildup of pressure, and the rupture in a flawed meter manifold component probably caused the leak which later ignited and destroyed a crude oil pipeline terminal near Lima, Ohio, on last January 17, 1975, the Safety Board reported June 22, (report No. NTSB-PAR-76-3). A motor-operated valve within the terminal had been closed inadvertently and pressure had built up. When the pressure exceeded the 720-p.s.i.g. working pressure rating of a substandard flange, a 14-inch long crack developed. Crude oil was sprayed from the crack, atomized, ignited, and burned; flames resulted which were some 100 feet high. The Board also concluded that the mid-afternoon fire probably was touched off when the lone employee on duty at the Mid-Valley Pipeline Company terminal tried to move a truck parked inside the meter building. The oil probably was ignited when the truck was started.

As a result of the investigation of this accident, the Safety Board issued, also on June 22, recommendation letters addressed to:

Mid-Valley Pipeline Company, recommending that it install pressure-relief devices not only to protect the rebuilt terminal at Lima, but also to protect the 20-inch pipeline between Pyrmont and Lima (P-76-14), and rewrite portions of its procedures manuals to prohibit the routine parking of vehicles in terminal or station buildings where hazardous products are handled (P-76-15). Both recommendations are for priority followup.

Office of Pipeline Safety, U.S. Department of Transportation, recommending that OPS study and incorporate in 49 CFR 192 and 195 the effects of overhead power lines on the safety of gas and liquid pipelines. The minimum safe distances of overhead power lines from compressors, pumps, and terminals should be established where necessary. The locations of power lines in relation to emergency shutoff valves and gas blowdown facilities also should be studied and minimum safe distances should be established where necessary. This recommendation, No. P-76-16, is designated "Class III," for longer-term followup.

Pipeline Safety Recommendation Letters. Last January 7, employees at the Michigan-Wisconsin Pipe Line Company's Cedardale, Oklahoma, compressor station were directed to open a valve on a shut-in 12-inch gas-gathering pipeline in an attempt to increase the flow into the main line. Natural gas and natural gas liquids at 700-psig pressure roared through the valve, out through the end of an open 12-inch pipe, and into a ditch, where seven men were working near an open flame heater. The natural gas liquids saturated their clothing, and the heater set them on fire; five were killed and two were burned seriously. The Board found that the accident occurred when the wrong valve was opened inadvertently.

As a result of this accident investigation, the Board on June 23 issued four "Class I" safety recommendations, asking urgent followup action. The Board recommended that:

Interstate Natural Gas Association of America advise their member companies who operate similar natural gas-gathering pipeline systems of the importance of following precisely the written procedures covering these situations (P-76-26).

Michigan-Wisconsin Pipe Line Company (1) initiate immediate action to conduct periodic training programs, using this accident as an illustration, to impress upon its personnel the importance of following precisely the written procedures covering these situations (P-76-27); (2) examine its procedures and practices for valve and piping changes to assure that each critical action is checked independently by at least two persons, one of whom should be a supervisor (P-76-28); and (3) prohibit any valve or piping changes, except under emergency conditions, while construction is being conducted within the area. (P-76-29).

Letters in Response to Safety Board Recommendations. During the past week, letters were received at the Board from the following addressees of earlier recommendations:

Federal Aviation Administration. Letter of June 16 responds to recommendations A-76-8 through A-76-14 (41 FR 11366, March 18, 1976) concerning bird-strike hazards at airports. Re A-76-8 and A-76-14, FAA is collaborating with the New York and New Jersey Port Authority to develop measures for controlling the bird-hazard problem. Also, FAA's Eastern Region met with the U.S. Fish and Wildlife Service on May 20 and will transmit conclusions reached at that meeting to the Port Authority, asking a report within 30 days. Re A-76-9, FAA states, "The determination of what constitutes a 'recognized bird hazard problem' is a complex, variable science to which no definitive set of standards or criteria can be developed for all airports." FAA has initiated a study to identify those certificated airports having large concentrations of birds which could be a hazard and expects the study to be completed in 9 months. Re A-76-10, FAA states that a detailed review of the Airport Operations Manual is made during each annual inspection of an airport, and that consideration is being given to several possible revisions to Operations Manuals in the area. FAA indicates that implementation of recommendations A-76-10 through A-76-13 awaits completion of studies initiated on bird hazards.

FAA letter of June 15 concerning seat restraint systems is in reply to recommendations A-76-15 and A-76-16 (41 FR 11366, March 18, 1976). Re A-76-15, FAA considers Technical Standard Order C-22 to be satisfactory; also, the American Safety dual retractor system fully complies with the order's minimum standards. Re A-76-16, FAA states that investigation of the DC-10 dual retractor restraint system indicates that nonrestraint condition could occur if the system is incorrectly used. According to FAA, an All Operators Letter, AOL-10-1033, was issued by McDonnell Douglas on April 6 advising DC-10 operators of correct fastening/adjustment procedures of flight attendant seatbelts. Also, FAA issued a message to all DC-10 Principal Operations Inspectors on March 10 to assure that operators disseminate this information to all flight attendants as an interim measure. FAA is initiating a Notice of Proposed Rulemaking AD to have the restraint systems corrected.

FAA's letter of June 22 concerns preflight preparation, subject of recommendations A-76-45 through A-76-50 (41 FR 19791, May 13, 1976). Re A-76-45, FAA expects to issue by September 1 preflight planning instructions through its Accident Prevention Program. In answer to A-76-46, asking amendment of 14 CFR 141 Appendix A, 14 CFR 61.105, and 14 CFR 61.107 to define the specific elements of preflight operations and to require a separate block of ground and flight training for this subject, FAA believes that the present regulation provides appropriate requirements for the pilot. FAA states, "Separation and specific definition of these elements would, in our opinion, be too limiting in scope. We do not believe that this would contribute measurably to safety and do not plan further action." Re A-76-47, FAA states, "* * * the biennial flight review is not a flight check, nor is it a catchall for any particular safety concern the FAA or other government agency may have. It is a currency requirement. To place further regulatory demands within the biennial flight review will change the composition of the review from a currency requirement to a flight check." FAA will approach the problem through an educational effort. Re A-76-48, FAA will review before July 1 Advisory Circular 61-66, Annual Pilot-in-Command Proficiency Checks, to determine whether an outline of subjects to be contained in the preflight planning and preparation phase should be included. Re A-76-49, FAA expects to issue by year's end an advisory circular which will discuss the elements of thorough preflight preparation and the potential dangers associated with each element. In answer to A-76-50, FAA is now revamping Advisory Circular 61-21, Flight Training Handbook.

Federal Railroad Administration. Letter of June 15 refers to recommendations R-75-39 thfough R-75-41, issued following investigation of the rearend collision of three Massachusetts Bay Transportation Authority trains at Boston, Massachusetts, August 1, 1975. (See 40 FR 44198, September 25, 1975.) Re R-74-39, FRA determined that the trains' braking systems were not performing in accordance with specifications, and has now instituted a program of testing and adjusting this equipment. The program is scheduled to be completed on all the 91

"Bluebird" and 76 "Silverbird" cars by June 30. Re R–75–40, FRA states that MBTA has scheduled the variable load and by-pass valves to be tested and adjusted on every 5,000-mile inspection, which occurs on the average of every 6 to 10 weeks on each car in service. Re R–75–41, FRA is conducting a survey of all other transit systems to determine whether inadequate emergency braking systems exist on MBTA cars.

Materials Transportation Bureau. Letter of June 17 concerns recommendation P–76–5, issued after investigation of the rupture of a 6-inch gas-gathering pipeline near Meridian, Mississippi, May 21, 1974 (41 FR 10482, March 11, 1976). The recommendation asked for regulations under the Hazardous Materials Transportation Act for natural gas-gathering pipelines in rural areas, similar to the regulations promulgated for natural gas transmission and distribution pipelines in 49 CFR 192. MTB believes that it would be premature to extend its regulations over gas-gathering lines at the present time, according to the letter. MTB is in the process of revising all of its reporting forms, and the inclusion of gas-gathering lines in the reporting requirements will be proposed in a Notice of Proposed Rulemaking within the next 6 months.

Safety Board Letter re Recommendation Response. The Board indicated on June 24 that it considers the Materials Transportation Bureau's actions and plans, referenced in the response of June 1 (41 FR 24637, June 17, 1976) to recommendations I–76–1 through I–76–3, to be consistent with Board intent. However, with respect to recommendation I–76–4, the Board states that there appears to be a misunderstanding and suggests that a meeting be arranged with MTB.

The accident reports and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to safety recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 28, 1976.

[FR Doc.76–19126 Filed 6–30–76;8:45 am]

[DOCKET NO. HY–48–76]

HIGHWAY ACCIDENT—MARTINEZ, CALIFORNIA

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time), August 10, 1976, in the North Gym of the Yuba City High School, Yuba City, California.

The public hearing will be held in connection with the Safety Board's investigation of the accident involving the Student Transportation Lines, Inc., chartered bus which occurred on May 21, 1976, near Martinez, California.

PHILIP A. HOGUE,
Chairman, Board of Inquiry.

JUNE 28, 1976.

[FR Doc.76–19125 Filed 6–30–76;8:45 am]

[Docket No. HY–50–76]

HIGHWAY ACCIDENT—HOUSTON, TEXAS

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time), July 20, 1976, in the Embassy Room of the Shamrock Hilton Hotel in Houston, Texas.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving a Transportation Company of Texas tractor semitrailer tank collision with a bridge column and sudden dispersal of anhydrous ammonia cargo, which occurred on May 11, 1976, in Houston, Texas.

FRANCIS H. MCADAMS,
Chairman, Board of Inquiry.

JUNE 24, 1976.

[FR Doc.76–19124 Filed 6–30–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–471]

BOSTON EDISON COMPANY, ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

Order

On June 3, 1976 an Order was issued for the resumption of the evidentiary hearing on July 6, 1976, but no location was fixed.

It is ordered, That the hearing will resume on July 6, 1976, at 11 a.m. in Courtroom 9A, Middlesex Superior Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts.

Dated at Bethesda, Maryland, this 25th day of June, 1976.

For the Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.76–19216 Filed 6–30–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on July 21 and 22, 1976 in Hanford, WA. Details pertaining to meeting facilities will be announced later. The purpose of this meeting is to discuss the ECCS evaluation model of the EXXON Nuclear Company, Inc., and associated information.

The agenda for the subject meeting shall be as follows:

Wednesday, July 21, 1976, 1:00 p.m. and Thursday, July 22, 1976, 8:30 a.m., until the conclusion of business on each day.

The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of the EXXON Nuclear Company, Inc. concerning a variety of topics which pertain to emergency core cooling and including, among others, a review of the EXXON evaluation model for reactor reload cores, the impact of steam generator tube plugging, planned modifications to the EXXON evaluation model, development of best estimate model, EXXON's participation in the Standard Problem Program, and a review of EXXON's research and development program associated with emergency core cooling.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies 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 July 14, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning 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, DC, 20555.

(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 obtain by a prepaid telephone call on July 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5.00 p.m., EDT.

(d) 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. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 29, 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 22, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-19219 Filed 6-30-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on July 23, 1976 in Hanford, WA. Details pertaining to meeting facilities will be announced later. The purpose of this meeting is to discuss research and development efforts associated with emergency core cooling.

The agenda for the subject meeting shall be as follows:

Friday, July 23, 1976, 8:38 a.m., until the conclusion of business.

The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff concerning research and development programs associated with emergency core cooling.

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 meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies 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 July 16, 1976 to Mr. T. G. McCreless, ACRS, NRC, 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 NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

(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 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) 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) A copy of the transcript of the meeting will be available for inspection on or after July 30, 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 25, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-19220 Filed 6-30-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE SHIPPINGPORT ATOMIC POWER STATION

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Shippingport Atomic Power Station will hold a meeting on July 21, 1976 at the Ramada Inn, 1412 Beers School Road, Coraopolis, PA. The purpose of this meeting is to review the Safety Analysis Report for the Light Water Breeder Reactor for the Shippingport Atomic Power Station which is an Energy Research and Development Administration owned facility.

The agenda for the subject meeting shall be as follows:

Wednesday, July 21, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session

to hear presentations by members of the Nuclear Regulatory Commission Staff, representatives of the Division of Naval Reactors of the Energy Research and Development Administration (Applicant), and their consultants, and will hold discussions with these groups pertinent to its 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 and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may 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 with the NRC Staff and Applicant for the purpose of discussing confidential proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from 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 may do so by providing 15 readily reproducible copies 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 July 14, 1976 to Mr. Gary R. Quittschreiber, ACRS, NRC, Washington, DC 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 NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

(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 Committees' 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 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. Gary 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. Gary 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 28, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA. 15001.

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 21, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–19217 Filed 6–30–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON WASTE MANAGEMENT

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 Subcommittee on Waste Management will meet on July 22 and 23, 1976 in Room 1046, 1717 H Street, N.W., Washington, DC 20555. The purpose of this meeting is to review the NRC nuclear waste management program and its relationship to those of other government agencies.

The agenda for subject meeting shall be as follows:

Thursday, July 22, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9:00 a.m. until the conclusion of business on Thursday, July 22, and 8:30 a.m. until the conclusion of business on Friday, July 23. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, Energy Research and Development Administration, Office of Management and Budget, National Academy of Sciences, National Science Foundation, American Physical Society, and their consultants, if any, and will hold discussions with these groups pertinent to nuclear waste management plans and practices.

At the conclusion of the open session, the Subcommittee will caucus in a closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters.

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 participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily re-

producible 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 July 15, 1976 to Mr. Ragnwald 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, DC 20555.

(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 21, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. Ragnwald Muller) 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. Ragnwald 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 30, 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 25, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–19218 Filed 6–30–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON PEAKING FACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Peaking Factors will hold a meeting on July 21, 1976 in Room 1046, 1717 H St., N.W., Washington, DC 20555. This is the third of a series of meetings to review current methods of measuring power distribution in light-water power reactors whose cores are fabricated by the various reactor vendors. This meeting will be used to discuss power distributic n in reactors whose cores have been fabricated by Combustion Engineering, Inc.

The agenda for the subject meeting shall be as follows:

Wednesday, July 21, 1976, 8:30 a.m. The Working Group will meet in closed Executive Session, with any of its 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 a report and recommendations to the full Committee.

9:00 a.m. until the conclusion of business. The Working Group will meet in open session to discuss with representatives of the NRC Staff and Combustion Engineering, Inc. current methods of measuring power distribution in nuclear reactor cores built by Combustion Engineering, Inc.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of 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 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 July 14, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and

titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 28, 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 21, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-19221 Filed 6-30-76;8:45 am]

[Docket No. PRM-100-2]

PUBLIC INTEREST RESEARCH GROUP, ET AL.

Filing of Petition for Rule Making

Notice is hereby given that Louis J. Sirico, Jr., Esq., has filed with the Nuclear Regulatory Commission a petition for rule making dated June 1, 1976, on behalf of the Public Interest Research Group, 1832 M Street N.W., Suite 101, Washington, D.C., and 25 other specified citizen groups.

The petitioners request the Commission to amend its regulation "Reactor Site Criteria," 10 CFR Part 100, to set numerical limits on allowable population density around nuclear reactor sites. The petitioners state that despite an official policy against building reactors near cities, both the Nuclear Regulatory Commission and its predecessor, the Atomic Energy Commission, have permitted utilities to build nuclear reactors too close to metropolitan areas. It is the view of petitioners that reliance on broad policy statements and regulatory guides in this matter is inadequate, and the current Commission policy should be put into regulatory form. The petitioners propose forbidding reactors where the surrounding population exceeds or will exceed specified numerical limits. The petitioners propose criteria which would limit permissible population density to 400 people per square mile out to a distance of 40 miles.

In support of the proposal the petitioners make the following arguments:

a. Population density is an important criterion in siting policy;

b. The Commission should articulate its siting policy on population density in regulatory form; and

c. Petitioners' proposal sets out a sound regulatory scheme.

The amendments of 10 CFR 100.11(a) proposed by petitioners would set 0.4 miles and 3 miles as the minimum distances for the outer boundaries of the exclusion area and the low population zone, respectively.

The amendments of Part 100 proposed by petitioners would add a new section 100.12 setting out criteria for population density for proposed nuclear reactor sites. The standards proposed by petitioners would set a maximum population density of 400 persons per square mile averaged over any radial distance out to a distance of 40 miles. The petitioners propose that the Commission deny construction permit applications for sites which would exceed the ceiling at the time of initial plant operation. The petitioners also propose that the Commission deny a construction permit application where population projections indicate that during the effective period of the plant's license, the population density would exceed 800 persons per square mile averaged over any radial distance out to a distance of 40 miles.

Under the petitioners' proposal it would be required that all population figures and projections include transient populations.

The text of the petitioners' proposed amendments to § 100.11(a) and the proposed new § 100.12 is set out in the petition.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by August 30, 1976.

Dated at Washington, D.C., this 29th day of June.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-19313 Filed 6-30-76;9:48 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 25, 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 thru 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

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Application for Loan Guaranty (Geothermal Projects), single-time, Lending Institutions Geothermal Develop. Cos. Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service, Oilseeds and Products Program Evaluation Questionnaire, single-time, recipients of Foreign Agricultural Service information on oilseeds and products, C. Louis Kincannon, 395-3211.

DEPARTMENT OF COMMERCE

Bureau of Census:

(Part of 1980 Decennial Census) Reconciliation Record 1976 Data Collection Unit Test, DE-134, single-time, selected households in Gallia and Meigs counties, Ohio, Maria Gonzalez, 395-6132.

1977 Censuses of Manufactures and Mineral Industries, Proposed Products and Materials Inquiry, single-time, suppliers and users of censuses of manufacturers and mineral data, Peterson, M. O., 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, a State Management Information Needs Study, OE-503-1 through, single-time, Sea's, Human Resources Division, Raynsford, R., 395-3532.

Public Health Service, Flu Vaccination Program Tracking Survey, single-time, Households-all State excluding Alaska and Hawaii 18 years or older, 395-6140.

Alcohol, Drug Abuse and Mental Health Administration, Evaluation of five National Minority Group Fellowship Programs, single-time, applicants to and participants in Program, Kathy Wallman, 395–6140.
Public Health Service, Study of Housing for Migratory Agricultural Workers, single-time, temporary migrant labor camps, Richard Eisinger, Sunderhauf, M. B., 395–6140.
Center for Disease Control, Nationwide Survey of the Occupational Safety and Health Work Force, single-time, industrial personnel, Ellett, C. A., 395–5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, LRPH Tenant Data Survey, single-time, Public Housing Authorities, Community and Veterans Affairs Division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, 1975 Quality Assurance Program for Occupational Safety and Health Statistics, BLS–3073, annually, selected respondents to annual occupational and illness survey, Ellett, C. A., 395–5867.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation, Claim for Property Damage, Personal Injury or Death (exception to S.F. 95), 7–2017, on occasion, Teton Dam Claimants, Caywood, D. P., 395–3443.

REVISIONS

RAILROAD RETIREMENT BOARD

Application for Sickness Benefits and Statement of Sickness, SI–1A, SI–1B, on occasion, applicants for sickness benefits, Caywood, D. P., 395–3443.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Application for Political Risk Investment Insurance, OPIC 52B, OPIC 50, on occasion, U.S. investors in foreign countries, Caywood, D. P., 395–3443.

VETERANS ADMINISTRATION

Veterans Mortgage Life Insurance Statement, 29–8636, on occasion, Veterans, Caywood, D. P., 395–3443.
Statement of Dependency, 21–509, on occasion, parents of veteran, Caywood, D. P., 395–3443.
Certificate as to Securities, 27–4709, on occasion, fiduciaries, legal custodians, corporate of individuals, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Request for Reimbursement or Notification of Return of Unused Food Coupons for Refund, FNS–287, on occasion, food stamp project areas, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance (short form) and Supplementary Questionnaire-Disaster Aid, OE 423, on occasion, Lea's in disaster area, Budget Review Division, Lowry, R. L., 395–4775.
Request for Additional Payment of BEOG Award, OE 304–1, on occasion, BEOG recipients and institutions they are enrolled in Lowry, R. L., 395–3772.

EXTENSIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Quarterly Report on Status of Reactor Construction, HQ 254, quarterly, electric utilities, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Economic Development Administration, Quarterly Report on Guaranteed Loans, ED 700 quarterly, banks, Lowry, R. L., 395–3772.
Office of Minority Business Enterprise, Confirmation of Assistance to Clients, MBE–88, on occasion, prospective business persons, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Federal Assistance (nonconstruction) Vocational Education, DE 3176, annually Lea's State Boards for Vocational Education, Instruction Higher Education, budget review division, Lowry, R. L., 395–4775.
Health Services Administration, Determination of State Health Facility Surveyors' Training Needs, HSABQ0412, single-time, 2000 State Health Facility Surveyors, Reese B. F., 395–3211.
National Institutes of Health, Diagnostic and Intervention Studies of High Risk Infants, single-time, infants and their mothers, Richard Eisinger, 395–6140.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration:
Request for Advance or Reimbursement, LEAA7160/3, monthly, Grantees, Marsha Traynham, 395–4529.
Report of Federal Cash Transactions, LEAA7160/2, monthly, Grantees, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Parachute Jumping (regulations for applications and approval), FAR 105, on occasion; parachutists, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–19153 Filed 6–30–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12570; (SR–MSE–76–10]

MIDWEST STOCK EXCHANGE, INC.

Approving Proposed Rule Change

JUNE 23, 1976.

On April 5, 1976, the Midwest Stock Exchange, Inc. ("MSE") (120 South LaSalle Street, Chicago, Illinois 60603) filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change.

The proposal amends Article XVI, Rule 2 of the MSE Rules to require that members notify the exchange of any statutory disqualifications (referred to in the Securities Exchange Act of 1934) to which a prospective employee or associate may be subject and receive exchange approval before such person becomes an employee of the member or member organization.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12330 (April 12, 1976), and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16528, (April 19, 1976)).

The Commisison finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 5, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–19074 Filed 6–30–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 09/09–5193]

BEAUHAN MINORITY INVESTMENT CORP.

Application for License

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Beauhan Minority Investment Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1976).

The officers, directors and stockholders of the applicant are as follows:

Gerald E. Webb, 75 Capilano Drive, Novato, California 94947, President, Director, 100% stockholder.
Michael J. Tanzer, 294 San Felipe Way, Novato, California 94947, Vice President, Director.
Virginia H. Webb, 75 Capilano Drive, Novato, California 94947, Secretary-Treasurer, Director.

The applicant, a California corporation, with its principal place of business located at 4340 Redwood Highway, San Rafael, California 94903, will begin operations with $305,000 of paid-in capital and paid-in surplus, derived from the sale of 30,500 shares of common stock. The applicant will conduct its operations principally in the State of California, and in such other areas within the United

States of America and its territories and possessions as may be approved by SBA.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Busines Investment Act and SBA Rules and Regulations.

Any peron may, on or before July 16, 1976, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Rafael, California.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: June 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-19056 Filed 6-30-76;8:45 am]

[Application No. 02/02-5318]

TAROCO CAPITAL CORP.

Application for License

An application for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by Taroco Capital Corporation (applicant) with the Small Business Administration pursuant to 13 C.F.R. 107.102 (1976).

The officers and directors are as follows:

Mr. David P. C. Chang, 42-13 78th Street, Elmhurst, New York 11373, Chairman of the Board & President.

Lewis Ho, 58 Inchcliffe Drive, Gales Ferry, Connecticut 06335, Secretary & Director.

Edward Y. K. Lee, 179-15 Grand Central Parkway, Jamaica, New York 11432, Treasurer & Director.

Jen-Tai Tsai, 52-15 Bowne, Flushing, New York 11355, Director.

The applicant will maintain its principal place of business at 258 Broadway, New York, New York 10007. It will begin operations with $505,000 of private capital derived from the sale of 5,050 shares of common stock, of which 86.14 percent have been acquired by Mr. David P. C. Chang, 9.90 percent by Mr. Edward Y. K. Lee, and 3.96 percent by Mr. Jen-Tai Tsai.

The Applicant will actively seek out investment opportunities in small business concerns which are owned by persons of Asian descent; however, it will invest in eligible small business concerns which are owned by any persons who SBA defines to be "persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, on or before July 16, 1976, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: June 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-19057 Filed 6-30-76;8:45 am]

MAXIMUM INTEREST RATES

Establishment for Certain Lending Institutions

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after July 1, 1976, under Section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective July 1, 1976, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten and one-half percent (10½%) per year, and the maximum rate on an immediate participation loan shall be nine and one-half percent (9½%) per year. These maximum interest rates are unchanged from those published in the FEDERAL REGISTER on April 1, 1976 (41 FR 14027), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the quarter-year beginning July 1, 1976, will be seven and three-fourths percent (7¾%) per year. This is an optional "peg" rate for use in connection with fluctuating-interest-rate loans made in participation with SBA.

This Notice is issued under 13 CFR 120.3(b)(2)(iv).

(Catalog of Federal Domestic Assistance Programs: No. 59.012 Small Business Loans, No. 59.013 State and Local Development Company Loans, No. 59.014 Coal Mine Health and Safety Loans, No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans), No. 59.018 Occupational Safety and Health Loans, No. 59.001 Displaced Business Loans, No. 59.003 Economic Opportunity Loans for Small Business.)

Dated: June 30, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-19323 Filed 6-30-76;10:32 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 37]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

JUNE 25, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before August 2, 1976. Such protest shall comply with Special Rule 247 (d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 8214 (Notice of filing of petition to modify commodity description), filed June 15, 1976. Petitioner: PORT JERSEY TRANSPORTATION, Foot of East 45th St., Bayonne, N.J. 07002. Petitioner's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Petitioner holds a motor *common carrier* Certificate in No. MC 8214, issued July 9, 1971, authorizing transportation, as pertinent, over irregular routes, of *poultry, butter, eggs, cheese, groceries, and meat and meat products*, other than fresh meats, between points in New York, New Jersey, and Connecticut within 30 miles of the City Hall, New York, N.Y. By the instant petition, petitioner seeks to modify its commodity description so as to read: "*Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk)."

No. MC 11207 (Sub-Nos. 304 and 340) (Notice of filing of petition to modify commodity description), filed June 15, 1976. Petitioner: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Petitioner's representative: Leo C. Franey, 918 16th St. NW., Washington, D.C. 20006. Petitioner holds motor *common carrier* Certificates in No. MC 11207 (Sub-Nos. 304 and 340), issued January 17, 1972, and April 9, 1975, respectively, authorizing transportation: (1) in Sub 304, over irregular routes, of *plywood, plywood paneling and moulding, and materials, supplies, and accessories* (except commodities in bulk) used in the installation of plywood paneling and moulding when moving at the same time and in the same vehicle with such commodities, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina; and (2) in Sub 340, over irregular routes, of *plywood, plywood paneling, and molding*, from the facilities of Vanply, Inc., located at Bradenton, Fla., to Charlotte, N.C. By the instant petition, petitioner seeks in both the Sub 304 and the Sub 340 to add *gypsum board and accessories therefor* to its existing commodity description as described above.

No. MC 109324 (Sub-No. 25) (Notice of filing of petition for modification of restriction), filed June 15, 1976. Petitioner: GARRISON MOTOR MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark., 72601. Petitioner's representative: Jay C. Miner (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 109324 (Sub-No. 25), issued June 19, 1975, authorizing transportation over regular routes, of *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 Memphis, Tenn., and Conway, Ark., serving no intermediate points: from Memphis over Interstate Highway 40 to Conway, and return over the same route, restricted to the transportation of shipments originating at or destined to Conway, Ark. By the instant petition, petitioner seeks to delete the above restriction and substitute therefore the following restriction: "Restricted against the transportation of shipments moving between (a) Memphis, Tenn., and its commercial zone, on the one hand, and, on the other, Little Rock, Ark., Springfield and Joplin, Mo., and the commercial zones thereof, including shipments originating at or interchanged at the above-named points, and (b) points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, Little Rock, Ark., and Memphis, Tenn., and the commercial zones thereof."

No. MC 112617 (Sub-No. 145) (Notice of filing of petition for modification of certificate), filed May 12, 1976. Petitioner: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 112617 (Sub-No. 145), issued February 15, 1965, authorizing transportation, over irregular routes, of *paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds, lacquers and varnish solvents*, and *ingredients* used in the manufacture thereof, in bulk, in liquid form, in tank vehicles, from points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Kentucky, Maryland, and New Jersey, to the plant sites of Reliance Varnish Company, Incorporated, Mobil Finishes Company, Inc., and Devoe & Reynolds Co., Inc., located in Louisville, Ky., with no transportation for compensation on return except as otherwise authorized.

By the instant petition, petitioner (1) seeks to change the name of (a) Reliance Varnish Co., Inc., to Reliance Universal, Inc., (b) Mobil Finishes Company, Inc., to Mobil Chemical Company, and (c) Devoe & Reynolds Company, Inc., to Celanese Coatings & Specialties Company; and (2) to have the following facilities, located in Louisville, Ky., added to the destination territory: Stauffer Chemical Company, Diamond Shamrock Corporation, American Synthetic Rubber Corporation, E. I. du Pont de Nemours & Company, Rohm & Haas Company, Flint Ink Corporation, George W. Whitesides Company, Guardsman Chemical Coatings, Inc., Progress Paint Manufacturing Co., Inc., Porter Paint Company, Inmont Corporation, Catalysts and Chemicals, Inc., Blue Grass Chemical Specialties, Inc., and Blatz Paint Company, Inc. In the alternative to the relief sought in part (2), petitioner requests that Louisville, Ky., be substituted as the destination point authorized to be served.

No. MC 126794 (Sub-No. 2) (Notice of filing of petition for modification of territorial description), filed June 15, 1976. Petitioner: STATE FILM DELIVERY, INC., 560 Main St., Ft. Lee, N.J. 07024. Petitioner's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Petitioner holds a motor *common carrier* Certificate in No. MC 126794 (Sub-No. 2), issued December 6, 1966, authorizing transportation over irregular routes, of *motion picture films, accessories, supplies, and advertising matter* used in connection with the operation and maintenance of theaters and places of motion-picture exhibition when moving to or from such theaters or places of exhibition, between Fort Lee, N.J., on the one hand, and, on the other, points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Sullivan, Ulster, and Westchester Counties, N.Y. By the instant petition, petitioner seeks to modify its territorial description so as to read: "Between Fort Lee, N.J. and New York, N.Y., on the one hand, and on the other, points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Sullivan, Ulster, and Westerchester Counties, N.Y."

No. MC 129863 (Sub-No. 7) (Notice of filing of petition to add additional destination points), filed June 16, 1976. Petitioner: FREDERICK L. BULTMAN, INC., 11144 W. Silver Spring Drive, Milwaukee, Wis. 53225. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Petitioner holds a motor *contract carrier* Permit in No. MC 129863 (Sub-No. 7), issued December 19, 1975, authorizing transportation over irregular routes, of *electric light bulbs, fluorescent*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tubes, and *display racks*, from the plantsite of General Electric Company, Lamp Division, located at Milwaukee, Wis., to Rockford and Freeport, Ill.; and Cedar Rapids, Clinton, Dubuque, and Davenport, Iowa; and *returned shipments* of the commodities named above, from Rockford and Freeport, Ill.; and Cedar Rapids, Clinton, Dubuque, and Davenport, Iowa, to the plantsite of General Electric Company, Lamp Division, located at Milwaukee, Wis., under a continuing contract, or contracts, with General Electric Company, Lamp Division. By the instant petition, petitioner seeks to add Dixon Kewanee, Sterling, Peru, De Kalb, and Sycamore, Ill., and Washington, Iowa, as additional destination points to the above authority.

No. MC 130226 (Notice of filing of petition for modification of brokers license), filed June 8, 1976. Petitioner: PENINSULA MOTOR CLUB, 1515 N. Westshore Blvd. P.O. Box 22807, Tampa, Fla. 33622. Petitioner's representative: Morris J. Levin, 1620 Eye St. NW., Washington, D.C. 20006. Petitioner holds a license to engage in operations as a *broker* in interstate or foreign commerce, at Bradenton, Fort Myers, Gainsville, Holiday, Lakeland, Ocala, Pensacola, Sarasota, Tallahassee, Tampa, and Panama City, Fla., in No. MC 130226, issued September 25, 1975, to sell or offer to sell the transportation of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Alachua, Bay, Bradford, Charlotte, Citrus, Columbia, Escambia, Gulf, Hardee, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lake, Lee, Leon, Levy, Madison Manatee, Marion, Okaloosa, Pasco, Polk, Sarasota, Sumter, Taylor, Walton, and Washington Counties, Fla., and extending to points in the United States, including Alaska and Hawaii. By the instant petition, petitioner (1) seeks to substitute Port Richey, Fla., as the point at which it is authorized to engage in the above operations in lieu of Holiday, Fla.; (2) seeks to add Naples and Venice, Fla., as additional points at which it is authorized to engage in the above operations; and (3) seeks to add Collier County to the county areas in Florida which it is authorized to serve as a broker.

No. MC 136100 (Sub-No. 1) (Notice of filing of petition for the modification of permit), filed May 7, 1976. Petitioner: K & K TRANSPORTATION CORP., 4515 No. 24 St., Omaha, Nebr. 68110. Petitioner's representative: Marshall D. Becker, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Petitioner holds a motor *contract carrier* Permit in No. MC 136100 (Sub-No. 1), issued March 5, 1976, authorizing transportation over irregular routes, of (1) *folding cartons*, from Omaha, Nebr., to points in the United States, including Alaska, but excluding Hawaii; (2) *carton forming machinery*, from Omaha, Nebr., and Redwood City, Calif., to points in the United States, including Alaska, but excluding Hawaii, and; from points in the United States, including Alaska, but excluding Hawaii, to Omaha, Nebr.; (3) *plastic film*, from Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., restricted in (1) to (3) above to a transportation service to be performed under a continuing contract, or contracts, with Malnove Specialty Box Company, of Omaha, Nebr.; (4) *packaging equipment and packaging materials and supplies, heat sealing electrical tools, marking pens, paper clips, plastic aprons, sawdust, and cash register tapes*, from Omaha, Nebr., to points in the United States (including Alaska but excluding Hawaii); (5) *packaging materials*, from Los Angeles, Calif.; Jacksonville, Ill.; Ft. Madison and Olewine, Iowa; St. Louis, Mo.; New Rochelle, N.Y.; Hoboken, N.J.; Hickory and Patterson, N.C.; Akron, Ohio; Downingtown and Marcus Hook, Pa.; and Fredericksburg, Va., to Omaha, Nebr.; (6) *paper clips and staples*, from Chicago, Ill., and Long Island City, N.Y., to Omaha, Nebr.; (7) *heat sealing electrical tools*, from Cleveland, Ohio, to Omaha, Nebr.; (8) *cash register tapes*, from Port Austin, Mich., to Omaha, Nebr.; and (9) *frozen vegetables*, from Sanger, Calif.; American Falls and Nampa, Idaho; and Milton-Freewater, Oreg., to Omaha, Nebr., restricted in (4) through (9) above to a transportation service to be performed under a continuing contract, or contracts, with Midwest Supply Company, Division of the Alger Corporation, of Omaha, Nebr., to the right of the Commission, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act.

By the instant petition, petitioner (a) seeks to add the following commodities, origins, and destinations to its present authority: (10) *Rubber bands*, from Alliance, Ohio, to Omaha, Nebr.; (11) *plastic cups and lids*, from Sandusky, Ohio, and Chicago, Ill., to Omaha, Nebr.; (12) *cleaning compounds*, from Custer, Okla., to Omaha, Nebr.; (13) *labels*, from Topeka, Kans., and Grand Rapids, Mich., to Omaha, Nebr.; (14) *plastic films*, from Calhoun, Ga.; Merced, Calif.; and St. Mary, Ohio, to Omaha, Nebr.; (15) *adding machine and cash register tape*, from Philadelphia, Pa.; Indianapolis, Ind.; Madison, Ga.; and Newark, Calif., to Omaha, Nebr.; (16) *packaging machines*, from Piscataway, N.J., to Omaha, Nebr.; (17) *frozen vegetables*, from Salinas, Los Angeles, and Modesto, Calif.; Albany, Oreg.; and Burley, Idaho, to Omaha, Nebr.; (18) *packaging materials*, from Kalamazoo, Mich.; Frankfort, Ill.; Covington, Ga.; Cananadaigua, N.Y.; Temple, Tex.; and Bakersfield, Calif., to Omaha, Nebr.; (19) *cellophane, masking, and filament tapes*, from Carbondale, Ill., to Omaha, Nebr.; and (20) *plastic case liners*, from Buffalo, N.Y., to Omaha, Nebr., under a continuing contract, or contracts, with Midwest Supply Company, Division of the Alger Corporation; and (b) seeks to add Lincoln, Nebr., as an additional destination point with respect to its frozen vegetable authority now authorized as well as its frozen vegetable authority here modified.

No. MC 139112 (Sub-No. 5) (Notice of filing of petition for modification of commodity description), filed June 14, 1976. Petitioner: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Petitioner's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Petitioner holds a motor *common carrier* Certificate in No. MC 139112 (Sub-No. 5), issued October 10, 1975, authorizing transportation over irregular routes, of *above-ground swimming pools*, from Wilkes-Barre, Pa., to Colton, Calif.; and *accessories* used in connection with the above-ground swimming pools, from Colton, Calif., to Wilkes-Barre, Pa., restricted to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to add *plastic toys* to the above described commodity and to the accessories on return.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 30374 (Sub-No. 24) (Republication), filed July 7, 1975, published in the Federal Register issue of August 14, 1975, and republished this issue. Applicant: TRI-STATE TRANSPORTATION CO., INC., P.O. Box A, Bellmawr, N.J. 08030. An Order of the Commission, Review Board Number 3, dated February 2, 1976, and served February 26, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *Wearing apparel, and material, equipment, and supplies* (except commodities in bulk), used in the manufacture of wearing apparel, between Baltimore, Md., on the one hand, and, on the other, Eldersburg, Md., tacking

authorized at Baltimore, Md., (1) in the lead certificate to provide a through service (a) from Vineland, N.J., to Eldersburg, Md., and (b) between Hammonton, N.J., on the one hand, and, on the other, Eldersburg, Md., and (2) in Sub-No. 19, between New York, N.Y.; Secaucus, N.J.; and Philadelphia, Pa., on the one hand, and, on the other, Eldersburg, Md. The purpose of this republication is to indicate that the grant of authority includes Philadelphia, Pa., as a through service point in connection with the tacking authorized at Baltimore.

No. MC 141254 (Sub-No.) (Republication), filed October 14, 1975, published in the FEDERAL REGISTER issue of November 6, 1975, and republished this issue. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. An Order of the Commission, Review Board Number 2, dated May 21, 1976, and served June 8, 1976, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, will be consistent with the public interest and the national transportation policy in the transportation of *Plastic expanded foam, cellular, nested trays and cartons:* (1) from Yakima, Wash., to points in Oregon, California, Idaho, Montana, Colorado, and Arkansas; (2) from Fresno, Calif., to points in Washington, Oregon, Idaho, Montana, Colorado, and Arkansas; and (3) from Malvern, Ark., to points in Washington, Oregon, and California, under a continuing contract or contracts with Western Form Pak, Inc., of Fresno, Calif. The purpose of this republication is to indicate that the grant of authority includes (1) Malvern, Ark., as the origin point in (3) above instead of the incorrect published, Melbourne, Ark., and (2) the original filing indicated common carrier authority was sought but has now been amended to a contract carrier service.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestants's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER, of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 388), filed June 3, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, P.O. Box 958, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, located at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Chicago, Ill.

No. MC 730 (Sub-No. 389), filed June 3, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Contra Costa and Los Angeles Counties, Calif., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 2002 (Sub-No. 14), filed May 13, 1976. Applicant: PHILIPP TRANSIT LINES, INC., 1808 East Fifth Street, Washington, Mo. 63090. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Kansas City, Kans., to points in Missouri, east of Highway 63 and south of Interstate Highway 70.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 7523 (Sub-No. 16), filed May 24, 1976. Applicant: VENTURA TRANSFER COMPANY, 2418 E. 223rd Street, Long Beach, Calif. 90810. Applicant's representative: Warren S. Goodman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, from Richmond, Calif., to El Paso, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 19201 (Sub-No. 125), filed May 24, 1976. Applicant: PENNSYLVANIA TRUCK LINES, INC., a Corporation, 49th St. and Parkside Avenue, P.O. Box 8116, Philadelphia, Pa. 19131. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166 Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission and motor vehicles when transported in special equipment), between Bay City, Midland, and Saginaw, Mich., on the one hand, and, on the other, Detroit, Mich., restricted to traffic having a prior or subsequent movement in rail service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa.; Washington, D.C., or Detroit, Mich.

No. MC 20824 (Sub-No. 34), filed June 1, 1976. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, P.O. Box 41719, Airport Branch, 2141 South High School Road, Indianapolis, Ind. 46241. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46241. 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), serving the plant site of Hoosier Energy Division of Indiana Statewide Bural Electric Cooperative, Inc., located at or near Merom, Ind., as an offroute point in connection with carrier's existing authorized routes of operation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 28088 (Sub-No. 18), filed May 25, 1976. Applicant: NORTH & SOUTH LINES, INCORPORATED, P.O. Box 49, 2710 South Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt in packages;* (2) *pepper in packages* in mixed shipments with salt in packages; and (3) *materials and supplies* used in the Agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in packages, in mixed shipments with salt in packages, from the plant and warehouse facilities of Morton Salt Co., located at Silver Springs, N.Y., and Perth Amboy, N.J., to points in Virginia and West Virginia, restricted to the transportation of shipments stored in transit at warehouse facilities in Harrisonburg, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Charlottesville, Va.

No. MC 31389 (Sub-No. 215), filed May 24, 1976. Applicant: MCLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. 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), serving the Tennessee Valley Authority Nuclear Generating Plant, located near Hartsville, Tenn., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chattanooga, Tenn.

No. MC 40852 (Sub-No. 4), filed May 26, 1976. Applicant: SEDALIA-MARSHALL-BOONVILLE STAGE LINE INCORPORATED, 5805 Fleur Drive, Des Moines, Iowa 50321. Applicant's representative: Steven C. Schoenebaum, 1200 Register and Tribune Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), between Chicago O'Hare International Airport, located at or near Chicago, Ill., on the one hand, and, on the other, Quad Cities Airport, located at or near Moline, Ill.; Cedar Rapids Municipal Airport, located at or near Cedar Rapids, Iowa; Des Moines Municipal Airport, located at Des Moines, Iowa; and Eppley Airfield, located at Omaha, Nebr., restricted to the transportation of traffic in aircraft containers and pallets and trailers equipped with roller bed floors, and further restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, Kansas City, Mo., or Chicago, Ill.

No. MC 47142 (Sub-No. 111), filed May 27, 1976. Applicant: C. I. WHITTEN TRANSFER COMPANY, a Corporation, P.O. Box 1833, Huntington, W. Va. 25719. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding and accessories*, from Danville, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 50069 (Sub-No. 511), filed May 27, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid, in bulk*, in tank vehicles, from Ft. Wayne, Ind., and Toledo, Ohio, to points in Michigan.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56679 (Sub-No. 87), filed May 26, 1976. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). 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 because of size and weight), (1) Between Knoxville, Tenn., and Greenville, S.C., in connection with applicant's presently authorized regular route operations, serving no intermediate points: From Knoxville over Interstate Highway 40, to Asheville, N.C., thence over Interstate Highway 26 to junction U.S. Highway 25 near Hendersonville, N.C., thence over U.S. Highway 25 to Greenville, S.C., and return over the same route; (2) Between Athens, Ga., and Gainesville, Ga., in connection with applicant's presently authorized regular route operations, serving no intermediate points: From Athens over U.S. Highway 129 to Gainesville, Ga., and return over the same route; and (3) Between Toccoa, Ga., and Cleveland, Ga., in connection with applicant's presently authorized regular route operations, serving no intermediate points: From Toccoa over U.S. Highway 123 to its junction with Georgia Highway 115, thence over Georgia Highway 115 to Cleveland, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 61403 (Sub-No. 239), filed May 21, 1976. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Highway 11-W, Kingport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, Suite 1201, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 61592 (Sub-No. 387), filed May 24, 1976. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. De Vine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment;* and (2) *accessories, parts and supplies* for (1) above when moving in mixed loads with such commodities (except commodities in bulk in tank vehicles), from Broomfield, Colo., to points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 66101 (Sub-No. 4), filed May 28, 1976. Applicant: AFT SERVICES, INC., 303 South Street, Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickled sheep skins*, from piers in the New York Harbor, N.Y., as defined by the Commission, to the facilities of Hauth International, Inc., located at Gloversville, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 66571 (Sub-No. 7), filed May 25, 1976. Applicant: RED LINE, INC., 2310 Orange Avenue, P.O. Box 13186, Roanoke, Va. 24031. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street NW., 805 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture, furniture parts, and mirrors*, from Alta Vista, Appomattox, Bassett, Brookneal, Galax, Martinsville, Pulaski, Roanoke, and Stanleytown, Va., to points in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of

Columbia, (b) *materials, supplies, and equipment* used in the manufacture of new furniture, furniture parts, and mirrors (except commodities in bulk), from points in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia to Alta Vista, Appomattox, Bassett, Brookneal, Galax, Martinsville, Pulaski, Roanoke, and Stanleytown, Va., (2) (a) *new furniture, furniture parts, and mirrors*, from Statesville and Mount Airy, N.C., to points in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia; and (b) *materials, supplies, and equipment* used in the manufacture of new furniture, furniture parts, and mirrors (except commodities in bulk), from points in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia to Statesville and Mount Airy, N.C., (3) (a) *new furniture, furniture parts, and mirrors*, from Dublin and Macon, Ga., to points in Alabama, Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia; and (b) *materials, supplies and equipment* used in the manufacture of new furniture, furniture parts, and mirrors (except commodities in bulk), from points in Alabama, Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia, to Dublin and Macon, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke or Richmond, Va., and/or Washington, D.C.

No. MC 71459 (Sub-No. 58), filed June 2, 1976. Applicant: O.N.C. FREIGHT SYSTEMS, a Corporation, P.O. Box 10280, Palto Alto, Calif. 94303. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Washington, D.C. 20004. 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 commodities requiring special equipment), between Flagstaff, Arz., and Taos, N. Mex.: From Flagstaff, Ariz., over Interstate Highway 40 (U.S. Highway 66) to Albuquerque, N. Mex., thence over Interstate Highway 25 (U.S. Highway 85) to Santa Fe, N. Mex., thence over U.S. Highway 285 to junction New Mexico Highway 68, thence over New Mexico Highway 68 to Taos, N. Mex., and return over the same route, in connection with carrier's authorized regular-route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Washington, D.C.

No. MC 74321 (Sub-No. 120), filed May 28, 1976. Applicant: B. F. WALKER, INC., 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Cherry Creek Center, 360 South Monroe, Suite 140, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building machinery, contractors' equipment and supplies, and self-propelled vehicles* (except passenger vehicles or truck tractors), from the plantsite and facilities of Pettibone Texas Corporation, located at Ft. Worth, Tex., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Ft. Worth, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Denver, Colo.

No. MC 79142 (Sub-No. 10), filed June 1, 1976. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hangers, packaging supplies, and laundry and dry cleaning chemicals* (except in bulk in tank vehicles), from Queens, N.Y., to points in Bergen, Passaic, Hudson, Essex, Union, Mercer, Morris, Middlesex, Monmouth, Somerset, and Ocean Counties, N.J.; and (2) *returned shipments*, in the opposite direction.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 79142 (Sub-No. 11), filed June 1, 1976. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paste and glue* (except in bulk in tank vehicles), from applicant's plantsite located at Maspeth, N.Y., to points in Nassau, Westchester, and Suffolk Counties, N.Y., restricted to traffic having a prior movement in interstate or foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 79737 (Sub-No. 19), filed May 24, 1976. Applicant: BERTA BROS. TRANSPORTATION, INC., U.S. Highway 50 East, P.O. Box 429, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, calcined; plaster, stucco, wall or land; plasterboard including plaster wallboard and plasterboard, joint systems or compounds*, from the plantsite of the Flintkote Company, located at Florence, Colo., to points in Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 87523 (Sub-No. 94), filed May 4, 1976. Applicant: STEWART TRANSPORT, INC., P.O. Box 504, Londonderry, N.H. 03053. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in containers, in bulk, in tank vehicles, from the plantsites and storage facilities utilized by Old Dutch Mustard Co., Inc., located at Brooklyn, N.Y., and Pilgrim Foods, Inc., located in Greenville, N.H., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; (2) *empty containers*, from points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island to Brooklyn, N.Y., and Greenville, N.H.; (3) *glue*, from points in Massachusetts, New Jersey, and New York to Brooklyn, N.Y., and Greenville, N.H.; (4) *bottle caps*, from points in New Jersey, New York, and Pennsylvania to Brooklyn, N.Y., and Greenville, N.H.; (5) *labels*, from Brooklyn, N.Y., to Greenville, N.H.; (6) *filter powder*, from points in Massachusetts to Greenville, N.H.; (7) *chemicals*, from Brooklyn, N.Y., to Greenville, N.H.; and (8) *food and packaging machinery*, between Brooklyn, N.Y., and Greenville, N.H.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Concord, N.H., New York, N.Y., or Washington, D.C.

No. MC 95304 (Sub-No. 25), filed May 14, 1976. Applicant: NORTHERN NECK TRANSFER, INC., P.O. Box 168, King George, Va. 22485. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard, and paperboard products*, from Chesapeake and Lynchburg, Va., to points in Delaware, Connecticut, Indiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 95540 (Sub-No. 944) (Amendment), filed March 5, 1976 published in the FEDERAL REGISTER issue of April 1, 1976, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—The purpose of this republication is to include North Carolina in the territorial description as a destination point. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 100449 (Sub-No. 67), filed May 27, 1976. Applicant: MALLINGER TRUCK LINES, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I, Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Spencer, Hartley, and Fort Dodge, Iowa, and Schuyler, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., Omaha, Nebr., or Kansas City, Mo.

No. MC 104421 (Sub-No. 19), filed May 21, 1976. Applicant: ECONOLINES, INC., P.O. Box 623, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Roger W. Norris, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by banking and financial institutions (except commodities in bulk), between points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in the United States in and west of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas (except Alaska and Hawaii, and except between points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in Burt, Madison, Otoe, and Seward Counties, Nebr., and except from points in Oklahoma and Texas, to points in Mills, Montgomery, and Pottawattamie Counties, Iowa).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 104896 (Sub-No. 48), filed June 1, 1976. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building, Broad and Chestnut Sreets, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising materials* moving therewith, from the facilities of the Genesee Brewing Company, Inc., located at Rochester, N.Y., to points in Delaware, Maryland, New Jersey, West Virginia, and the District of Columbia; and (2) *used empty malt beverage containers, pallets, and dunnage*, from points in Delaware, Maryland, New Jersey, West Virginia, and the District of Columbia, to the origin point named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 105272 (Sub-No. 11), filed May 27, 1976. Applicant: LOWELL SEURING, doing business as, LOWELL SEURING TRANSFER CO., 1409 S. Armstrong Avenue, Freeport, Ill. 61032. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete products*, from the plantsite of Freeport Vault Company, located at or near Freeport, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Madison, Wis.

No. MC 106074 (Sub-No. 23), filed May 18, 1976. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, in cartons, from Claremont, N.C., to points in the United States (except Alaska, Hawaii, North Carolina, and South Carolina).

Note.—Applicant holds contract carrier authority in MC 140842 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Asheville, N.C.

No. MC 107107 (Sub-No. 449), filed June 4, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, (over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Charleston, S.C., to points in Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, West Virgnia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 818), filed May 24, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from Warren, Ark., to points in Maine, New Hampshire, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 107295 (Sub-No. 819), filed May 24, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, paperboard, and pulpboard*, from Greenville, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 107818 (Sub-No. 83), filed May 21, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles*, distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Northside Packing Co., at or near Pittsburgh, Pa., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 108393 (Sub-No. 104), filed May 27, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances*, and *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between Ft. Wayne, Ind., and Danville, Ky., under a continuing contract, or contracts, with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109821 (Sub-No. 47), filed May 24, 1976. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Dewey T. Whitford (same address at applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating and electrical supplies and equipment* used in the sale and distribution thereof (except in bulk), between the facilities of the Raub Supply Company, located in Olean, N.Y., and points in Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 110563 (Sub-No. 181), filed May 24, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., a Corporation, P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Kenosha Packing Co., Inc., and Birchwood Meat and Provision, located at or near Kenosha, Wis., and Hebron, Ill., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 110683 (Sub-No. 107), filed May 25, 1976. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper products*, serving the plantsite of St. Regis Paper Company, Inc., at or near Bucksport, Maine, as an off-route point in connection with applicant's existing regular route authority acquired in Docket No. MC–F–12682 to serve Bangor, Maine. Service will be provided from and to points throughout applicant's system of operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111310 (Sub-No. 20), filed May 24, 1976. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, 329 W. Wilson Street, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials, and supplies* when shipped therewith, from Cold Spring, Minn., to points in Iowa, Michigan, Missouri, Nebraska, North Dakota, and South Dakota; and (2) *used empty malt beverage containers*, from points in Iowa, Michigan, Missouri, Nebraska, North Dakota, and South Dakota, to Cold Spring, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Black River Falls, Wis.

No. MC 111401 (Sub-No. 464), filed May 21, 1976. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company located at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or New Orleans, La.

No. MC–113362 (Sub-No. 297), filed June 7, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, Ark. 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, pet supplies, and cleaning compounds* (except in bulk), from the plantsite or warehouse facilities of R. T. French Company, at Springfield, Mo., to points in the upper peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 113690 (Sub-No. 7), filed June 2, 1976. Applicant: SIDNEY T. SMITH, 29 Crawford Street, Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture*, between New York City, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Art Steel Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 114045 (Sub-No. 437), filed May 28, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Miscellaneous chemicals*, requiring protective service, from Ambler, Pa., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 114211 (Sub-No. 271), filed May 27, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Miami, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in consolidation with Western Lines, Inc.; WD Smith Truck Lines, Inc.; Morgan Drive-away, Inc.; and Eagle Trucking Co., but does not specify a location.

No. MC 114533 (Sub-No. 343), filed May 28, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in courier service (except Classes A and B explosives, household goods, commodities in bulk, those of unusual value, commodities which because of size and weight require the use of special equipment, and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Wisconsin, Illinois, Missouri, Michigan, Ohio, and Indiana, restricted against the transportation of packages weighing more than 50 pounds, with each package or article considered a separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee at any one location in any one day.

NOTE.—Applicant holds contract carrier authority in No. MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Detroit, Mich.

No. MC 114552 (Sub-No. 114), filed May 21, 1976. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, cross arms, floor blocks, piling poles, posts, and ties*, from the plantsite and facilities of Southern Wood Piedmont Company, at Chattanooga, Tenn., East Point, Ga., and Spartanburg, S.C., to points in the United States in and east of Arkansas, Iowa, Louisiana, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 114552 (Sub-No. 115), filed May 24, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit*, from the facilities of Carnegie Conduit Company, located at or near Carnegie, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted to the transportation of shipments originating at the facilities of Carnegie Conduit Company, located at or near Carnegie, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 75), filed May 13, 1976. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, between points in Iowa, Kansas, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 114946 (Sub-No. 3) (Correction), filed April 23, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, and republished as corrected this issue. Applicant: OSBORNE B. GAUGH, INC., College Highway, P.O. Box 54, Southwick, Mass. 01077. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Enfield Township, Conn., to Berkshire, Franklin, Hampden, and Hampshire Counties, Mass.

NOTE.—The purpose of this republication is to indicate the correct name of the applicant as Osborne B. Gaugh, Inc., in lieu of Osborne B. Caugh, Inc. If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Mass., or Hartford, Conn.

No. MC 115092 (Sub-No. 42), filed June 1, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, plastic and iron fittings and connections, valves, hydrants and gaskets and accessories* used in the installation therewith (except articles as defined in Mercer Extension Oilfield Commodities, 74 M.C.C. 459), from the plantsite and warehouse facilities of Clow Corporation, located at Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Columbia, Mo.

No. MC 115180 (Sub-No. 96), filed June 1, 1976. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 205 W. 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortenings, lards, tallow, cooking oils, and oleomargine*, in packages, from the facilities of Swift Edible Oil Company, near Bradley, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the above described facilities and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115669 (Sub-No. 156), filed May 28, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand, foundry molding sand treating compounds, and processed clay*, from the plantsite of American Colloid Co., located at Granite City, Ill., to points in Colorado, Kansas, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 115904 (Sub-No. 53), filed June 1, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster*, from points in Clark County, Nev., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Boise, Idaho.

No. MC 116077 (Sub-No. 372), filed May 26, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, 500 West Sixteenth St., Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 116254 (Sub-No. 159), filed June 2, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk in tank vehicles, from the plantsite of Stauffer Chemical Company, located at Henderson, Nev., to the Stauffer plantsites located at St. Gabriel, La., and LeMoyne, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Nashville or Memphis, Tenn.

No. MC 116519 (Sub-No. 35), filed May 21, 1976. Applicant: FREDERICK TRANSPORT LIMITED, a Corporation, R.R. 6, Chatham Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), and *attachments and equipment* designed for use with such articles, when moving in mixed loads therewith, from the warehouse and facilities of Allis-Chalmers Corporation, located at or near Norfolk, Va., to points on the International Boundary line between the United States and Canada, located in New York, Maine, Vermont, and Michigan, restricted to the transportation of shipments moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116947 (Sub-No. 50), filed May 26, 1976. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, Ga. 30310. Applicant's representative William Addams, Ste 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cans, materials, and supplies*, incidental to the manufacture of fibre cans; *can ends*, aluminum, steel, or tin; and *wooden pallets, platforms, or skids*, between Greenville, N.C., on the one hand, and, on the other, points in Tennessee, under contract with Container Corporation of America.

NOTE.—Applicant holds common carrier authority in MC 117956 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117765 (Sub-No. 202), filed May 24, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen foodstuffs*, in containers (except meat, meat products, meat byproducts, and dairy products): (1) from

the facilities of Fall River Canning Company, located at or near Cambria and Markesan, Wis., to Oklahoma and Texas; and (2) from the facilities of Baker Canning Company, Inc., located at or near Antigo, Clintonville, and Theresa, Wis., to Arkansas, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 203), filed May 24, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the facilities of Lincoln Grain, Inc., located at Atchison, Kans., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 204), filed May 24, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Longview, Tex., to Altus, Enid, Guymon, Ponca City, Stillwater, and Woodward, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 118142 (Sub-No. 114) (Restrictive amendment), filed January 22, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, republished as amended this issue. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles): (1) From points in the United States (except Alaska and Hawaii) to Laramie, Wyo., and (2) from Laramie, Wyo., to points in the United States (except Alaska and Hawaii), restricted in part (1) to the transportation of shipments either (a) destined to the storage facilities of Packers Cold Storage, Inc., at Laramie, Wyo., or (b) moving to in-transit storage at the facilities of Packers Cold Storage, Inc., at Laramie, Wyo., and in part (2) to the transportation of shipments either (a) originating at the storage facilities of Packers Cold Storage, Inc., at Laramie, Wyo., or (b) moving from in-transit storage at the facilities of Packers Cold Storage, Inc., at Laramie, Wyo.

NOTE.—The purpose of this republication is to restrictively amend the requested authority. Hearing: For 2 days, July 26 and 27, 1976, at 158 U.S. Customs House, 721 19th St., Denver, Colo., at 9:30 a.m. Local Time.

No. MC 118142 (Sub-No. 127), filed May 25, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Paul L. Thomas, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt with in wholesale, retail, and chain grocery and food business houses*, and in connection therewith *materials and supplies* used in the conduct of such business, moving in temperature controlled equipment, from Topeka, Kans., to Compton and Fremont, Calif., restricted to traffic originating at the plant site and warehouse facilities of The Fleming Company, Topeka, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Topeka, Kans.

No. MC 118159 (Sub-No. 176), filed May 27, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Sation, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and printed matter*, (a) between Luray, Va., on the one hand, and, on the other, Monaca, Pa., and points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; and (2) between Marlin, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, and Oklahoma; and (2) *paper and paper products and carbon paper ink*, in semi-solid (non-fluid) form, (a) between Brenham, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 58), filed June 2, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and accessories*, from Monroe, Ohio, to points in and west of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant holds contract carrier authority in No. MC 134631 and thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119118 (Sub-No. 50), filed May 19, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, (a) from Pittsburgh, Pa., to points in Florida, Kansas, and Missouri; and (b) from Pittsburgh, Pa., to points in Maine, Massachusetts, Connecticut, Vermont, New Hampshire, and Rhode Island; and (2) *empty used malt beverage containers* in the reverse direction.

NOTE.—Applicant presently holds contract-carrier authority to provide the service proposed in part 1(b) above, and here seeks only to convert such authority to common-carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 119657 (Sub-No. 22), filed June 2, 1976. Applicant: GEORGE TRANSIT LINE, INC., 760-764 N.E. 47th Place, Des Moines, Iowa 50313. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, materials, supplies, and equipment*, used in the manufacturing, sales, and distribution of paper and paper products, (1) between Des Moines, Iowa, on the one hand, and, on the other points in Arkansas, Indiana, Kentucky, Minnesota, Ohio, Oklahoma, Texas, Wisconsin, and Wyoming; (2) between Chicago, Ill., Milwaukee, Wis., and Fowler, Ind., on the one hand, and, on the other points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska; and (3) from the Iowa Gateway Terminal, located at or near Keokuk, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Minneapolis, Minn.

No. MC 119789 (Sub-No. 290), filed May 26, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and nonfrozen foods*, from points in Florida, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lakeland or Tampa, Fla.

No. MC 119793 (Sub-No. 9), filed May 18, 1976. Applicant: DEWEY L.

WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Charcoal, charcoal briquettes;* (2) *wax impregnated sawdust logs;* and (3) *wood chips, vermiculite, lighter fluid, and items* used in outdoor cooking in mixed loads with the commodities in (1) and (2) above, from points in Tucker County, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (B) *materials and supplies*, used in the manufacture, sale, and distribution of the commodities listed in (A) (1), (2), and (3) above (except commodities in bulk, in tank vehicles), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Tucker County, W. Va., restricted to transportation performed under a continuing contract or contracts with The Kingsford Company, a subsidiary of The Clorox Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 119875 (Sub-No. 7), filed May 18, 1976. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. No. 2, Wescoesville, Pa. 18106. Applicant's reprentative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing*, less than ¼-inch thick or corrugated or crimped, other than shingles, combined with cellular or expanded plastic insulation, with or without paper, foil or film backing; and (2) *roofing or siding*, aluminum, less than ½ inch, flat or corrugated or crimped, other than shingles, not combined with other materials; and (3) *Aluminum suspension articles*, from the plantsite or facilities of Kaiser Aluminum and Chemical Sales, Inc., at or near Port Carbon, Pa., to points in Kentucky, Michigan, Ohio, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 119991 (Sub-No. 13), filed May 21, 1976. Applicant: YOUNG TRANSPORT, INC., 1601 Woodlawn, P.O. Box 3, Logansport, Ind. 46947. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients and commodities exempt from economic regulation*, in mixed shipments with feed and feed ingredients, from the plantsite and storage facilities of Milk Specialties Company, a Division of Cudahy Foods Co., located at or near Dundee, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123056 (Sub-No. 4), filed May 21, 1976. Applicant: GENE McGINNIS, doing business as FREDONIA TRUCK LINE, Box 34, R.R. 4, Highway 96 and Jackson Street, Fredonia, Kans. 66736. Applicant's representative: Laurel D. McClellan, 430 North 7th, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean mill run*, from Fredonia, Kans., to points in Arkansas, Missouri (except St. Louis), Oklahoma, and Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, Tex.), under a continuing contract or contracts with Archer Daniels Midland Company.

NOTE.—Applicant holds common carrier authority in MC 37523 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Wichita, Kans.

No. MC 123407 (Sub-No. 307), filed May 20, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Butte, Custer, Lawrence, Meade, and Pennington Counties, S. Dak., on the one hand, and, on the other, points in Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak.

No. MC 123407 (Sub-No. 308), filed May 24, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Crook County, Wyo., to points in Iowa, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings, Mont., or Rapid City, S. Dak.

No. MC 123407 (Sub-No. 309), filed May 24, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from the plantsite of W. R. Grace Company, at Chicago, Ill., to points in Colorado, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, restricted to the transportation of shipments originating at the above-named plantsite; (2) from the plantsite of Sonneborn Building Products, at Chicago and Chicago Heights, Ill., to points in the United States (except Alaska, Hawaii, Nebraska, Kansas, Minnesota, and South Dakota); and (3) from the plantsite of Tamms Industries Co., at Itasca, Ill., and Bellflower, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123841 (Sub-No. 5), filed May 25, 1976. Applicant: DAVID TESONE TRUCKING, INCORPORATED, Box 35, Wildwood, Pa. 15091. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Allegheny County, Pa., to points in Marion County, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh or Washington, Pa.

No. MC 124078 (Sub-No. 689), filed May 21, 1976. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tetrasodium pyrophosphate*, dry, in bulk, from the facilities of Schwermann Distribution Centers, Inc., located at points in Gwinnett County, Ga., to Atlanta, Chamblee, Decatur, East Point, McIntyre, Sandersville, and Toomsboro, Ga., and points in Twiggs County, Ga., restricted to shipments having a prior movement by rail.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 690), filed May 24, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Peachtree City, Ga., to points in Alabama, Arkansas, Florida,

Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Seattle, Wash.

No. MC 124174 (Sub-No. 106), filed May 24, 1976. Applicant: MOMSEN TRUCKING CO., 2405 Hiway Blvd., Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, P.O. Box 37490, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products* (except commodities in bulk or tank vehicles), from the plant-site and warehouse facility of Kroeger Precast, Inc., located at or near Omaha, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 128342, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124328 (Sub-No. 101), filed May 25, 1976. Applicant: BRINK's INCORPORATED, Suite 710, One Crossroads of Commerce, Algonquin Road and Rte. 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noble and precious metals*, between Chicago, Ill., Mooringsport, La., and the Port of Catoosa, Okla., under a continuing contract or contracts with Universal Oil Products, Des Plaines, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125308 (Sub-No. 3), filed May 19, 1976. Applicant: KARL S. ROBINSON TRUCKING COMPANY, INC., 3817 South State Street, Salt Lake City, Utah 84115. Applicant's representative: Thomas A. Duffin, 510 Ten Broadway Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and metal girders, panels, columns, beams, bracing, tie rods, girts, purlins, trusses, and accessories* used in connection therewith; (2) *long wall, open pit and tunnel mining equipment and supplies, and accessories* used in connection therewith; (3) *steel and metal thickener structures, including motors and operating apparatus* used in connection therewith and *flotation cells, tanks and steel and metal components and equipment* for liquid pollution control; and (4) *steel and metal precipitators, and accessories*, including, *duck, work, veins, hoppers, bracing, trusses, columns, beams and bag house* with components for air pollution, from Salt Lake City, Utah, to points in the United States, including Alaska but excluding Hawaii, and on return the commodities listed in (1) through (4) and *related materials* for dunnage, packing, securing and hauling the above listed commodities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 125506 (Sub-No. 25), filed May 19, 1976. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in wearing apparel, and *store fixtures* and *supplies* not for resale, and *inter-office communications and documents*, between the distribution center of Lane Bryant, Inc., located at New York, N.Y., and its retail outlets located at New Haven and Hartford, Conn., and Springfield, Mass., under a continuing contract or contracts with Lane Bryant, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125575 (Sub-No. 4), filed May 12, 1976. Applicant: L. J. KENNEDY TRUCKING CORP., 342 Schuyler Ave., Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, alcoholic*, between Staten Island, N.Y., and Linden, N.J., under a continuing contract or contracts, with The Distillers Co., Ltd.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 125777 (Sub-No. 169), filed May 24, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street. Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding balls*, in bulk, in dump vehicles, from Pulaski, Tenn., to points in Arizona, California, Colorado, Michigan, Minnesota, Missouri, New Mexico, and Utah.,

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125780 (Sub-No. 4), filed May 28, 1976. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, Mont. 59847. Applicant's representative: Sam E. Haddon, First National Bank Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in and sold by retail hardware, plumbing and electrical supply stores, from Minneapolis, Minn., to Fargo, N. Dak., and Billings, Mont., under a continuing contract, or contracts, with Midway-Platt Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings or Missoula, Mont.

No. MC 125952 (Sub-No. 25), filed May 21, 1976. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango SW., Tacoma, Wash. 98499. Applicant's representative: George R. La Bissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, in containers, (excluding commodities in bulk), between points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, under contract with Van Walters, and Rogers, at Seattle, Wash.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126904 (Sub-No. 17), filed May 25, 1976. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, Ill. 62243. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and accessories:* (1) From the facilities of Certain-Teed Products Corporation located at McPherson, Kans., to points in Alabama, Arkansas, Colorado, Florida, Illnois, Indiana, Iowa, Kentucky, Louisiana, Michian, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming; and (2) from the facilities of Certain-Teed Products Corporation located at Eads, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 127042 (Sub-No. 173), filed May 18, 1976. Applicant: HAGEN, INC., 3232 Highway 75 N., P.O. Box 98–Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the storage facilities of New Orleans Cold Storage & Warehouse Co., Ltd., at New Orleans and Metairie, La., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 127042 (Sub-No. 174), filed May 24, 1976. Applicant: HAGEN, INC., 3232 Highway 75 N., P.O. Box 98–Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in tank vehicles, from the plantsite and facilities of Maverick Beef Packers, Inc., located at or near Eagle Pass, Tex., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Antonio, Tex.

No. MC 127658 (Sub-No. 3), filed May 21, 1976. Applicant: CRYSTAL FREIGHT, INC., 1520 Washington Ave., P.O. Box 8008, Huntington, W. Va. 25705. Applicant's representative: David A. Turano, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, and *fibreboard boxes*, from Huntington, W. Va., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Huntington, W. Va., or Washington, D.C.

No. MC 129410 (Sub-No. 6), filed April 26, 1976. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, Ill. 60014. Applicant's representative: Eric S. Sparks, 221 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pneumatic conveyors and accessories*, from the plantsite of Dunbar Kapple, Incorporated, at Batavia, Ill., to points in the United States (except Alaska and Hawaii); Guadalajara, Tampico, and Lapazo, in the Republic of Mexico; and Fort Albany, all of Seven Isles, and West Vancouver, in Canada, under contract with Dunbar Kapple, Incorporated, at Batavia, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wisc.

No. MC 129862 (Sub-No. 12), filed May 24, 1976. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's represenative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportings: *Air conditioning and heating units* (except commodities which by reason of size or weight require the use of special equipment), (1) from Jonesville, Mich., Madisonville, Ky., and York, Pa., to points in Colorado, Florida, Georgia, New Mexico, Oregon, Texas, Utah, and Washington; and (2) from Jonesville, Mich., to points in Arizona, California, and Nevada, under contract with York Division of Borg-Warner Corporaton.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129927 (Sub-No. 1), filed May 19, 1976. Applicant: JAMERSON BROTHERS TRUCKING COMPANY, INC., P.O. Box 205, Appomattox, Va. 24522. Applicant's representative: William F. King, 6121 Lincolnia Road, Overlook Building, Suite 400, 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 plantsite of Armstrong Furniture Division of Thomasville Furniture Industries, Inc., located at or near Appomattox, Va., on the one hand, and, on the other, Danville, Lynchburg, Norfolk, Portsmouth, Hampton, and Newport News, Va., restricted to (1) transportation of shipments having a prior or subsequent movement by rail or water and; (2) to a transportation service to be performed, under a continuing contract, or contracts with Armstrong Furniture Division of Thomasville Furniture Industries, Inc., of Appomattox, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 133562 (Sub-No. 20), filed May 21, 1976. Applicant. HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Flavorland Industries, Inc., located at or near Fargo and West Fargo, N. Dak., to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington, restricted to the transportation of shipments originating at the above named origin points and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 133562 (Sub-No. 21), filed May 21, 1976. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Bagged fertilizer*, from Estherville, Iowa, to points in Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Sioux City, Iowa.

No. MC 133684 (Sub-No. 20), filed May 24, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., 515 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products* (except in bulk, in tank vehicles), from Centralia and Markham, Wash., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 133684 (Sub-No. 21), filed May 21, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (except in bulk in tank vehicles) from Modesto, Calif., to points in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or San Francisco, Calif.

No. MC 133917 (Sub-No. 4), filed May 26, 1976. Applicant: CARTHAGE FREIGHT LINE, INC., P.O. Box 315, Carthage, Tenn. 37030. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. 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 Gordonsville and Chattanooga, Tenn.: (a) From Gordonsville, Tenn., over Interstate Highway 40 to Lebanon, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., thence over Interstate Highway 24 to Chattanooga, Tenn., and return over the same route, serving no intermediate points; and (b) From Gordonsville, Tenn., over Interstate Highway 40 to Lebanon, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., thence over Interstate Highway 24 to junction Tennessee Highway 28, thence over Tennessee Highway 28 to junction U.S. Highway 41, thence southeast over U.S. Highway 41 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 134323 (Sub-No. 87), filed June 2, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo,

Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from the facilities of J. C. Penney Company, Inc., located at or near Forest Park, Ga., to Houston and Dallas, Tex., Oklahoma City, Okla., and Albuquerque, N. Mex., under a continuing contract, or contracts, with J. C. Penney Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Lincoln, Nebr.

No. MC 134922 (Sub-No. 174), filed June 1, 1976. Applicant: B. J. McADAMS, INC., P.O. Box 15, Route 6, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Green Bay, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 134922 (Sub-No. 175), filed May 7, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, fom Traverse City, Mich., to points in Arizona, California, Florida, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135435 (Sub-No. 3), filed May 21, 1976. Applicant: SMART TRANSPORTATION COMPANY, 4950 Fannett Rd., Beaumont, Tex. 77705. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forging and castings*, from Beaumont, Tex., to points in Louisiana, under a continuing contract, or contracts, with Beaumont Well Works Company, Inc., located at Beaumont, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 135598 (Sub-No. 3), filed June 2, 1976. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 546, Quincy, Ill. 62301. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hoists, dump bodies, trailers, truck equipment, and accessories*, from points in Illinois and Wisconsin to Jefferson City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 135684 (Sub-No. 24), filed May 19, 1976. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1819 H St. N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper articles and supplies, materials, and machinery*, used in the manufacture, sale, and distribution of paper and paper articles, between the plantsite of Hoerner Waldorf Corp., in Orange County, Calif., on the one hand, and, on the other, points in and west of Colorado, Montana, New Mexico, Texas, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136285 (Sub-No. 17), filed May 21, 1976. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Thomas County, Ga., to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga.

No. MC 136437 (Sub-No. 4), filed May 24, 1976. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 3554 McReynolds Avenue, Modesto, Calif. 95355. Applicant's representative: Charles Ennis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red cedar shakes, shingles, and trim*, from points in Washington and Oregon west of Cascade Range, to points in California and Nevada.

NOTE.—Applicant holds contract carrier authority in No. MC 139313 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 136711 (Sub-No. 28), filed May 21, 1976. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, rip-rap, stone, gravel, asphatic mixtures, mineral and synthetic aggregates, sand, dirt and coal*, between points in Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136786 (Sub-No. 96), filed June 2, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and exempt commodities* as defined in Section 203(b)(7) of the Interstate Commerce Act when moving in mixed loads with printed matter, from Oklahoma City, Okla., to points in California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Virginia, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136899 (Sub-No. 18) (Correction), filed May 10, 1976, published in the FEDERAL REGISTER issue of June 3, 1976, and republished as corrected this issue. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine Street, P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery and parts and accessories thereof* (except in bulk), from Muscoda, Wis., and Harvard, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities named in (1) above (except in bulk), from points in the United States (except Alaska and Hawaii), to Muscoda, Wis.

NOTE.—The purpose of this republication is to (1) correct the applicant's name, and (2) correct the applicant's representative zip code, which were published in error. If a hearing is deemed necessary, the applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138000 (Sub-No. 21), filed May 21, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from South Volney, N.Y., to Winchester, Va.

NOTE.—Applicant holds contract carrier authority in No. MC 129613 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138054 (Sub-No. 14), filed May 24, 1976. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, saline solution, plastic articles, boxes, plastic plasma sets, and related articles:* (a) From Round Lake, Ill., to Edison, N.J., Mansfield, Mass., Morrow and Atlanta, Ga., Grand Prairie, Tex., Buena Park, Calif., and points within the Los Angeles, Calif., Commercial Zone; and (b) from Buena Park, Calif., and points within the Los Angeles, Calif., Commercial Zone to Edison, N.J., Atlanta and Morrow, Ga., and Round Lake, Ill.; (2) *plastic articles*, from Mundelein, Ill., to Atlanta, Ga. and points within the Los Angeles, Calif., Commercial Zone; (3) *plastic plasma sets*, from Hays, Kans., and Mountain Home, Ark., to points within the Los Angeles, Calif., Commercial Zone; and (4) *glass bottles*, from Dunkirk, Ind., to points within the Los Angeles Calif., Commercial Zone and those points in Round Lake, Ill., restricted against the transportation of commodities in bulk in tank vehicles and further restricted to a transportation service to be performed in (1) through (4) above under a continuing contract, or contracts with Hyland Division Travenol Laboratories, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138328 (Sub-No. 29), filed May 21, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, P.O. Box 831, 805 32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm, dairy, and water treatment equipment; materials, and supplies; sanitation and cleaning products; paint; insecticides; fungicides; and pesticides*, from Oak Brook, Ill., to points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and commodities which because of size or weight require the use of special equipment and further restricted to traffic originating at Oak Brook, Ill.; and (2) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities named in the items in (1) above and *sanitation and cleaning products, paint, insecticides, and pesticides*, from points in the United States (except Alaska and Hawaii), to Oak Brook, Ill., restricted against the transportation of commodities in bulk and commodities which because of size or weight require the use of special equipment and further restricted to traffic destined to Oak Brook, Ill.

NOTE.—Applicant holds contract carrier authority in MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138875 (Sub-No. 32), filed May 19, 1976. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood and steel trusses* and *laminated wooden beams;* and (2) *materials and supplies* used in the manufacturing, installation, and distribution of wood and steel trusses and laminated wooden beams, between the plantsite of Trus Joist Corp., located at or near Boise, Idaho, Hillsboro and Eugene, Oreg., Chino and Santa Rosa, Calif., Ft. Lupton, Colo., and Phoenix, Ariz., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise or Meridian, Idaho.

No. MC 133880 (Sub-No. 4), filed May 24, 1976. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, P.O. Box 3122, Davenport, Iowa 52808. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and machinery and supplies* used in the preparation of scrap metal, between Moline, Quincy, and Rock Island, Ill., Camanche, Clinton, Council Bluffs, Davenport, Des Moines, and Waterloo, Iowa, Minneapolis, Minn., La Grange, Mo., Omaha, Nebr., and La Crosse, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Alter Company.

NOTE.—Applicant holds common carrier authority in MC 126045 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 139304 (Sub-No. 2), filed May 24, 1976. Applicant: CARL D. SOURS, 1041 Florida Avenue, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, butter substitutes, flavored drinks and juices;* and (2) *materials and supplies* used or useful in the sale and distribution of the aforesaid commodities, between Springfield, Va., on the one hand, and, on the other, Hagerstown, Md., under a continuing contract, or contracts, with Valley of Virginia Milk Producers, Assoc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 150), filed May 24, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery and pottery products*, from Marshall and Palestine, Tex., to points in Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139615 (Sub-No. 3), filed May 12, 1976. Applicant: D. R. S. TRANSPORT, INC., Box 94, Oskaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and equipment;* (2) *industrial and construction machinery and equipment;* (3) *irrigation equipment;* (4) *drainage systems;* (5) *stump cutters, log splitters, and log chippers;* (6) *tree spades;* and (7) *parts, attachments, and accessories*, for the commodities in (1) through (6) above, from Pella, Iowa, to points in California, Louisiana, Maryland, Michigan, Montana, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, West Virginia, and over ports of entry on the International Boundary line between the United States and Canada, located in Alberta, Manitoba, and Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 140003 (Sub-No. 5), filed May 24, 1976. Applicant: BALL MOTOR LINE OF APOPKA, INC., P.O. Drawer AL, Apopka, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products, machine parts and molds, and materials and supplies* used in the manufacture and distribution of plastic products (except commodities in bulk), between Apopka and Kissimmee, Fla.; Malvern, Pa. and S. Rockwood, Mich., on the one hand, and, on the other, Hatfield, Pa.; Highstown and Garfield, N.J.; Sandusky, Tallmadge, and Akron, Ohio; Leominster, Mass.; Detroit, Mich.; Longview, Baytown and Port Orange, Tex.; Covington, Conyers, and Atlanta, Ga. and Travelers Rest, S.C., under a continuing contract with Better Plastics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 140134 (Sub-No. 6), filed May 14, 1976. Applicant: CALDARULO TRADING CO., a Corporation, 2840 South Ashland, Chicago, Ill. 60608. Applicant's representative: Richard A. Kerwin, 180 North LaSalle St., Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale or retail paint, hardware and department stores*, and, in connection therewith, *equipment materials and supplies*, used in the conduct of such business, from Chicago and Wheeling, Ill., to points in Arizona, Nevada, New Mexico; those points in Texas on and west of U.S. Highway 83, and points in Utah, under a continuing contract with Enterprise Paint Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140363 (Sub-No. 3), filed May 27, 1976. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Ford Pierson Luscy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clam and oyster shells*, both whole and/or crushed, including mixtures with sand, in bulk, in dump vehicles, from points in Louisiana, to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., Jackson, or Gulfport, Miss., or Houston, Tex.

No. MC 140389 (Sub-No. 7), filed May 24, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box. 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsites, warehouse and storage facilities of or used by Winter Garden, Inc., located at or near Bells (Crockett County), Humboldt (Gibson County), and Rossville (Fayette County), Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 141255 (Sub-No. 2), filed May 24, 1976. Applicant: TANDY TRANSPORTATION, INC., 3501 Fairview, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic equipment, materials and supplies*, from Seattle, Wash. to Fort Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio and Braintree, Mass.; (2) *electronic equipment, materials and supplies*, from Los Angeles, Calif. to Fort Worth, Tex.; Groveport, Ohio and Braintree, Mass.; (3) *jute*, from San Diego, Calif. to Fort Worth, Tex.; and (4) *pine lumber*, from Burney, Calif. to Fort Worth, Tex., (1) through (4) are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation and Tandycrafts, Inc. of Fort Worth, Tex., and their subsidiary corporations.

NOTE.—If a hearing is deemed necessary the applicant requests it be held either Washington, D.C. or Dallas, Tex.

No. MC 141357 (Sub-No. 3), filed May 24, 1976. Applicant: SHANUS, INC., 232 First Street North, Minneapolis, Minn. 55401. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from Green Bay, Wis., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn. or Green Bay, Wis.

No. MC 141563 (Sub-No. 1), filed May 21, 1976. Applicant: LYNCH TRUCKING, INC., P.O. Box 712, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from points in Georgia, to points in North Dakota, and Sioux Falls, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 141578 (Sub-No. 1), filed May 21, 1976. Applicant: KEE TRANSPORTATION COMPANY, a Corporation, 5540 W. Broadway Avenue, P.O. Box 37437, Jacksonville, Fla. 32205. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, motor vehicles, and commodities requiring special handling or rigging), in containers, between points in the Jacksonville, Fla. Commercial Zone, including Jacksonville, Fla. (except Yulee and Fernandina Beach, Fla.), restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 141619 (Sub-No. 2), filed May 21, 1976. Applicant: LOY E. SIGMON, SR., doing business as NEW WAY TRANSPORTATION CO., Route 1, Box 447-A, Statesville, N.C. 28677. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between points in Iredell County, N.C., and Wilmington, N.C., and points in its Commercial Zone, on the one hand, and, on the other, points in South Carolina, that part of Tennessee on and east of U.S. Highways 11 and 11W and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 141756 (Sub-No. 2), filed May 17, 1976. Applicant: CAVINESS REFRIGERATED EXPRESS, INC., West Highway 60, P.O. Box 790, Hereford, Tex. 79405. Applicant's representative: Terry Caviness (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Caviness Packing Co., Inc. located at or near Hereford, Tex. and Caviness Packing Co. of Dalhart, Inc. located at or near Dalhart, Tex., to Denver, Colo., Tucson, Ariz., and Los Angeles, Calif. and their respective commercial zones, under a continuing contract, or contracts, with Caviness Packing Co., Inc. and Caviness Packing Company of Dalhart, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex.

No. MC 141897 (Sub-No. 2), filed May 24, 1976. Applicant: PHIL POGGI TRUCKING, 467 West Aten Road, Imperial, Calif. 92251. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds*, in bulk, between points in Imperial, Orange, San Bernardino, San Diego, Riverside, and Los Angeles Counties, Calif., and Maricopa, Pima, Pinal, and Yuma Counties, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either El Centro, Calif. or Yuma, Ariz.

No. MC 142085, filed May 10, 1976. Applicant: TRANSPO, INC., 821 York Street, Manitowoc, Wis. 54220. Applicant's representative: Richard E. Garrow, 1701 Washington Street, Manitowoc, Wis. 54220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), between the Manitowoc County, Airport, located in Manitowoc, Wis.; the Brown County Airport, located in Green Bay, Wis.; the Mitchell Field Airport, located in Milwaukee, Wis., and points in Brown, Kewaunee, Calumet, Manitowoc, Sheboygan, and Ozaukee Counties, Wis., and Milwaukee, Wis., restricted to shipments having a prior or subsequent movement by air, and under a continuing contract, or contracts, with Paragon Electric Company; Manitowoc Engineering Com-

pany; Formrite Tube Company; Imperial Eastman Company; Oil-Rite Corporation; Lube Devices, Inc.; and Kelvinator Commercial Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Manitowoc or Green Bay, Wis.

No. MC 142087, filed May 20, 1976. Applicant: LINK BROS. TRUCKING, INC., Minong, Wis. 54859. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from Minong, Wis. to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico; and (B) *general commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), from Minnesota, Iowa, Missouri, Michigan, Illinois, Indiana, Ohio, Kentucky and Tennessee to Minong, Wis., restricted in (A) and (B) above to traffic originating at and destined to the named origins and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 142103 (Sub-No. 1), filed June 1, 1976. Applicant: OCEANAIR TRUCKING & WAREHOUSING, INC., 2140 Miami International Airport Drive, Suite 513, Miami, Fla. 33148. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special equipment and handling, and those requiring refrigeration), between points in Dade County, Fla., restricted to shipments having a prior or subsequent movement by water, under a continuing contract, or contracts, with All-Americans Forwarding Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142116 (Sub-No. 2), filed June 2, 1976. Applicant: COLLINS AND MAY TRUCKING CO., INC., Box 584, West Liberty, Ky. 41472. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Morgan County, Ky., to points in Lawrence County, Ohio, under a continuing contract, or contracts, with Collins and May Mining Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Frankfort, Ky.

No. MC 142134, filed May 26, 1976. Applicant: DONALD J. BRYDEN, doing business as BRYDEN TRUCKING, 8208–122nd Avenue NE., Kirkland, Wash. 98033. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* including particle board and plywood used and useful in furniture manufacturing; and (2) *finished furniture, cabinets, and speakers and parts* thereof, between points in California, Idaho, Montana, Oregon, and Washington, under a continuing contract or contracts in (1) and (2) above with Brill Ware Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142143 (Sub-No. 1), filed June 2, 1976. Applicant: LARRY N. HARPER, Rural Route, Edison, Kans. 67733. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from the plantsite of Cargill, Inc., at McCook, Nebr., to points in Kansas on and west of U.S. Highway 183, and to points in Colorado on and north of U.S. Highway 50.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr. or Denver, Colo.

PASSENGER APPLICATIONS

No. MC 544 (Sub-No. 1) (Amendment), filed April 19, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, and republished this issue. Applicant: VANCOUVER-PORTLAND BUS CO., 111 East Fifth Street, Vancouver, Wash. 98660. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning at points in Clackamas, Multnomah, and Washington Counties, Oreg., and Clark County, Wash., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—The purpose of this republication is to delete the words "and ending" from the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 97651 (Sub-No. 7), filed May 24, 1976. Applicant: VALLEY COACH LINES, INC., 12154 North Saginaw, Clio, Mich. 48420. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Genessee, Lapeer, Livingston, St. Clair, Sanilac, and Washtenaw Counties, Mich., and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich. or Chicago, Ill.

No. MC 139604 (Sub-No. 7), filed June 1, 1976. Applicant: CHERRY HILL TRANSIT, 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Four Penn Center Plaza, Suite 1012, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Moorestown, N.J. on the one hand, and, on the other, New York, N.Y., under a continuing contract, or contracts, with South Jersey Commuters' Association.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 141678 (Sub-No. 2), filed May 26, 1976. Applicant: KANE LIMOUSINE, INC., 550 Winfield Drive No. C–6, Bowling Green, Ky. 42101. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects* in the same vehicle with passengers, in special operations, limited to the transportation of not more than thirteen (13) passengers in any one vehicle, not including the driver thereof, between Bowling Green, Ky., on the one hand, and, on the other, Metropolitan Airport (Berry Field), at Nashville, Tenn., and Rivergate Mall Shopping Center, at or near Madison, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville or Lexington, Ky.

BROKER APPLICATIONS

No. MC 130383, filed May 13, 1976. Applicant: RICHARD BLACK, INC., P.O. Box 53448, 3100 Produce Row Administration Bldg., Houston, Tex. 77052. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Houston, Tex., to sell or offer to sell the transportation of *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 130384, filed May 5, 1976. Applicant: GERALDINE C. HUTCHINGS, doing business as HUTCHINGS TRAVEL AGENCY, 1133–B North Wilson Way, Stockton, Calif. 95205. Applicant's representative: John Hutchings, 2427 E. Scotts Ave., Stockton, Calif. 95205. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Stockton, Calif., to sell or offer to sell the transportation of *Passengers and their baggage*, in all expense round trip tours, in special and charter operations, (1) beginning and ending at Stockton (San Joaquin County), Calif.,

and points in Imperial, Los Angeles, Kern, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties, Calif., and extending to Reno, Sparks, Carson City, Lake Tahoe, and Las Vegas, Nev.; (2) beginning and ending at points in San Joaquin, Alameda, Contra Costa, Fresno, Marin, Sacramento, San Diego, San Francisco, and San Mateo Counties, Calif., and extending to Reno, Sparks, Carson City, Lake Tahoe, and Las Vegas, Nev.; and (3) beginning and ending at points in San Joaquin, Imperial, Los Angeles, Kern, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties, Calif., and extending to points in Reno, Carson City, Sparks, Lake Tahoe, and Las Vegas, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Sacramento, or Stockton, Calif.

No. MC 130385, filed May 6, 1976. Applicant: BAD RIVER INDUSTRIES, INC., doing business as BIG COUNTRY TRAVEL, 214 W. Pleasant Drive, Pierre, S.D. 57501. Applicant's representative: Barbara Butt (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Pierre, S.D., to sell or offer to sell the transportation of *Passengers and their baggage*, in the same vehicle with passengers, by motor carriers, from points in South Dakota, to points in the United States, including Alaska and Hawaii, all points on the International Boundary line between the United States and Canada, and points in Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pierre or Ft. Pierre, S.D.

No. MC 130388, filed May 19, 1976. Applicant: JOE T. GOLLEHON TOUR SERVICE, P.O. Box 734, Chilhowie, Va. 24319. Applicant's representative: Joe T. Gollehon (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Chilhowie and Richlands, Va., to sell or offer to sell the transportation of *passengers and their baggage*, in round trip sightseeing tours, between Smyth and Tazewell Counties, Va., and points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Marion, Bristol, or Roanoke, Va.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 21a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC–F–12865. Authority sought for control by IOWA BEEF PROCESSORS, INC., a non-carrier, P.O. Box 515, Dakota City, NB 68731, of MADISON LINES, INC., 521 South 14th Street, Lincoln, NB., 68508. Applicants' attorney: Eugene D. Anderson, 910 17th St. NW., Washington, D.C., 20006. Operating rights sought to be controlled: Meats, meat products, meat by-products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)., as a *contract carrier* over irregular routes from the plant site of Madison Foods, Inc., located at Madison, Nebr., to points in the United States (except Nebraska, Alaska, and Hawaii), with restrictions. IOWA BEEF PROCESSORS, INC., holds no authority from the Commission. However, is affiliated with PROCESSED BEEF EXPRESS, INC., who, under Docket No. MC–136669 (Sub-No. 1) is authorized to operate as a contract carrier in Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12866. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309, of the operating rights of SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, TN., 37410, and for acquisition by THE ROUSH VOTING TRUST, 1077 Gorge Blvd., Akron, OH 44309, of control of such rights through the purchase. Applicants' attorney: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014, and Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over regular routes between junction U.S. Highway 41–A and unnumbered highway approximately two miles northwest of Tullahoma, Tenn., and the site of the George A. Dickel Company Distillery, located approximately six miles northwest of Tullahoma, Tenn., serving no intermediate points; from Machester, Tenn. to Chattanooga, Tenn., serving all intermediate points from Manchester to Jasper, including Jasper: from Chattanooga, Tenn. to Manchester, Tenn., serving all intermediate points between Monteagle and Manchester, Tenn.; between Columbia, Tenn. and Chattanooga, Tenn., serving all intermediate points (except those between Monteagle, Tenn. and Chattanooga, Tenn.); between Shelbyville, Tenn. and Winchester, Tenn., serving all intermediate points and serving Huntland, Tenn. as an off-route point, with restrictions: between Tullahoma, Tenn. and Manchester, Tenn., serving all intermediate points, between Winchester, Tenn., and Pelham, Tenn., serving all intermediate points, between Hillsboro (Coffee County), Tenn. and a point 5 miles west of McMinnville, Tenn., serving all intermediate points, between Manchester, Tenn. and Smartt, Tenn., serving all intermediate points, between Manchester, Tenn. and Murfreesboro, Tenn., serving all intermediate points, between Shelbyville, Tenn. and Murfreesboro, Tenn., serving all intermediate points, between Chattanooga, Tenn. and Kimball, Tenn., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12867. Authority sought for purchase by MUSHROOM TRANSPORTATION CO., INC., 845 East Hunting Park Avenue, Philadelphia, PA 19124, of a portion of the operating rights of BLOCK & ROSE, INC., 258 Sherman Avenue, Newark, N.J. 07114, and for acquisition by WILLIAM W. CUTAIAR, JR., 152 Treaty Rd., Drexel Hill, PA 19026, ROBERT F. CUTAIAR, 7628 Oak Lane Rd., Cheltenham, PA 19012, and RICHARD W. CUTAIAR, SR, 221 E. St. Louis Ave., Wildwood Crest, N.J. 08260, and of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006, and Joseph A. Malloy, Jr., Nat'l Bank Bldg., Broad & Ches, Philadelphia, PA 19107. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over regular routes between New York, N.Y., except Yonkers, N.Y. on the one hand, and, on the other, points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State Line and extending along U.S. 202 to Jct. U.S. 46, thence U.S. 46 to Jct. U.S. 206, thence U.S. 206 to Trenton, N.J., thence U.S. 1 to Philadelphia, Pennsylvania, thence to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence U.S. 130 to Jct. Alt. 130 (formerly N.J. 44), thence Alt. 130 to Paulsboro, N.J., thence in an easterly direction to Clementon, N.J., thence in a northeasterly direction through Mt. Holly and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to New Jer-

sey-New York State Line, thence along the New Jersey-New York State Line to point of beginning, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–12868. Authority sought for purchase by CARAVAN TOURS, INC., d/b/a CARAVAN TOWNE CARS, RD 3, Box 451, Wharton, NJ 07885, of the operating rights of CAREY TRANSPORTATION, INC., d/b/a Carey Transportation, Building #199, John F. Kennedy International Airport, Jamaica, NY 11430, and for acquisition by ROBERT W. LOVITO, 139 Hurd Street, Mine Hill, Dover, NJ 07885, of control of such rights through the purchase. Applicants' attorney & representative: L. C. Major, Jr., Atty.-Major, Sage & King, Suite 400 Overlook Office Bldg., 6121 Lincolnia Road, Alexandria, VA 22312 and William L. McCraken, Asst. Gen. Counsel-Transp., The Greyhound Corporation, Greyhound Tower, Phoenix, AZ 85077. Operating rights to be transferred: *Passengers and their baggage and express* in the same vehicle with passengers, as a *common carrier* over regular routes, between New York, N.Y. and Newark Metropolitan Airport, Newark, N.J., *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, over regular routes, between New York, N.Y. and Newark Metropolitan Airport, Newark, N.J., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12869. Authority sought for purchase by WOLF's BUS LINES, INC., P.O. Box 235, York Springs, PA 17372, of the operating rights and property of CHARLES EBERLY AND ROGER EBERLY, dba VALLEY BUS LINES, R.D. #3, Chambersburg, PA 17201, and for acquisition by PAUL W. WOLF, P.O. Box 235, York Springs, PA 17372, of control of such rights and properties through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Operating rights and property sought to be transferred: Passengers and their baggage and express and newspapers in the same vehicle with passengers, as a *common carrier* over regular routes, between Hagerstown, Md., and Blue Ridge Summit, Pa., serving all intermediate points, between Caledonia, Pa. and Greencastle, Pa., serving all intermediate points; Passengers and their baggage and express and newspapres in the same vehicle with passengers, between Hagerstown, Md. and Mercersburg, Pa., serving all intermediate points between Rouzerville, Pa. and Blue Ridge Summit, Pa., serving all intermediate points; Passengers and their baggage, in round-trip charter operations, beginning and ending at points in the Township of Southampton (Franklin County), and Borough of Newburg and the Townships of North Newton, South Newton, Cooke, Penn, West Pennsboro, Lower Frankford, Upper Frankford, Lower Mifflin, Upper Mifflin, Shippensburg, and Hopewell (Cumberland County) Pa., and extending to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Connecticut, Massachusetts, Rhode Island, Maine, and the District of Columbia; Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in the Township of Southampton, and the Boroughs of Newville and Shippensburg, Cumberland County, Pa., and extending to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Connecticut, Massachusets, Rhode Island, Maine, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusets, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 56679 (Sub-No. 86), filed April 15, 1976. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, S.E., Atlanta, Ga. 30315. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Applicant presently holds authority as follows: *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 Columbia, S.C., on the one hand, and, on the other, Chicago and Peoria, Ill. and points in Ohio; and (2) Vendor presently holds authority as follows: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Newport, Ludlow, Bellevue, Dayton, Southgate, and St. Thomas, Ky. By the instant application applicant seeks to tack the authority described above at Cincinnati, Ohio. No Gateway Elimination is sought at the present time in this matter.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12818 published in the Federal Register issue of May 6, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 58923 (Sub-No. 44), filed May 21, 1976. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, Ga. 30315. Applicant's representative: Bates B. Block, First National Bank Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Union, Mecklenburg, Cabarrus, Gaston, Cleveland, Lincoln, Rowan, Davie, Iredell, Wilkes, Surry, Guilford, Stanly, Davidson, Forsyth, Yadkin, Alexander, Catawba, Burke, Caldwell, Rutherford, Anson, Montgomery, Randolph, and Alamance Counties, N.C.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12847, published in the Federal Register issue of June 9, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 129470 (Sub-No. 2), filed June 2, 1976. Applicant: MONROE TRANSFER AND STORAGE CO., INC., 402 Rotary Street, Hampton, Va. 23361. Applicant's representative: Stanley I. Goldman, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and Williamsburg, Va.; and those points in Nanse-

mond, Northampton, Gloucester, Isle of Wight, James City, and York Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. The purpose of this filing is to eliminate the gateways of Hampton and Newport News, Va.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12834 published in the Federal Register issue of June 16, 1976. If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no sginificant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC–89723 (Deviation No. 37), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed June 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 190 and Louisiana Highway 357 over Louisiana Highway 357 to junction Louisiana Highway 178, thence over Louisiana Highway 178 to junction Louisiana Highway 35, thence over Louisiana Highway 35 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Louisiana Highway 13, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 190 and Louisiana Highway 357 over U.S. Highway 190 to junction Louisiana Highway 13, thence over Louisiana Highway 13 to junction Interstate Highway 10, and return over the same route.

No. MC–112713 (Deviation No. 38), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed June 21, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Litchfield, Ill., over Interstate Highway 55 (using portions of U.S. Highway 66 where Interstate Highway 55 is not completed) to Bloomington, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Litchfield, Ill., over Illinois Highway 16 to Mattoon, Ill., thence over Illinois Highway 121 to Decatur, Ill., thence over U.S. Highway 51 to Bloomington, Ill., and return over the same route.

No. MC–112713 (Deviation No. 37), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed June 15, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hutchinson, Kans., over U.S. Highway 50 to junction U.S. Highway 283, thence over U.S. Highway 283 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 66, thence over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hutchinson, Kans., over U.S. Highway 50 to junction Kansas Highway 7, thence over Kansas Highway 7 to Olathe, Kans., thence over Kansas Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, Mo., thence over U.S. Highway 40 to junction U.S. Highway 24 near Lawrence, Kans., thence over U.S. Highway 24 to junction Kansas Highway 18 near Manhattan, Kans., thence over Kansas Highway 18 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 40 near Salina, Kans., thence over U.S. Highway 40 to junction unnumbered highway near WaKeeney, Kans., thence over unnumbered highway to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans., thence over Kansas Highway 25 to Atwood, Kans., thence over U.S. Highway 36 to Denver, Colo., thence over U.S. Highway 85 to junction unnumbered highway near Larkspur, Colo., thence over unnumbered highway to junction U.S. Highway 85, thence over U.S. Highway 85 to Albuquerque, N. Mex., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56483, filed May 14, 1976. Applicant: WARREN TRUCKING CO., INC., 1550 West Eighth Street, Long Beach, Calif. 90813. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway common carrier as follows: Transportation of *newsprint paper and printing paper* used in the publication of newspapers and other printed matter, in flat stock and in rolls as follows: From Los Angeles, Long Beach, and San Diego, Calif., and points and places within five miles thereof, to points in Imperial, Kern, Kings, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Diego, San Luis Obispo, Tulane, and Ventura Counties, Calif. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102.

California Docket No. A 56549, filed June 10, 1976. Applicant: ARTHUR R. ALTNOW, doing business as LODI TRUCK SERVICE, P.O. Box 11, 14900 North Cherokee Lane, Lodi, Calif. 95240. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation, as a highway common carrier, of *General commodities*, between the points and over the routes, as follows: (A) Between all points on or within twenty (20) miles of the following routes: (1) Interstate Highway 5 between Wodland and Redding, inclusive. (2) Interstate Highway 5 between San Clemente and San Ysidro, inclusive. (It is proposed that Interstate Highway 5 will be utilized for service between Redding and San Ysidro but by virtue of applicant's present authority, it can use any route between all points it serves. Interstate Highway 5 is already available between authorized points. (3) U.S. Highway 101 between San Rafael and Eureka, inclusive. (Applicant already has authority to use Highway 101 between points it presently serves so authority is required only beyond San Rafael.) (4) State Highway 108 between the intersection of State Highway 120 and 108 and Sonora. (Already authorized between Modesto and said intersection.) (5) Interstate Highway 80 between Roseville and Auburn, inclusive. (Already authorized between Sacramento and Roseville.) (6) U.S. Highway 50 between Rancho Cordova and Placerville, inclusive. (Already authorized between Sacramento and Rancho Cordova.); and (7) State

Highway 99 between Sacramento and Red Bluff.

(B) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment between all points in California; and (C) Shipments originating at and/or destined to points within this extended certificate shall be of a minimum weight of 10,000 pounds or shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds. For operating convenience, carrier may make use of any street, road, highway, ferry, or bridge necessary or convenient for the purpose of performing the service authorized above. Applicant shall not transport shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Livestock, viz: bucks, bulls, calves, cattle cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (3) Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, other than petroleum and petroleum products. (4) Commodities when transported in bulk, in dump trucks, or in hopper type trucks. (5) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (6) Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

(7) Fresh or green fruits, fresh or green vegetables, or mushrooms when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, precooling plant, or winery. (8) Metal cans (other than flattened), except when there is a prior or subsequent movement by rail, water, or motor carrier. (9) Metal can tops, bottoms or ends when moving in mixed shipments with metal cans (other than flattened), except when there is a prior or subsequent movement by rail, water, or motor carrier. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. A 56550, filed June 10, 1976. Applicant: AMERICAN TRANSFER CO., a Corporation, P.O. Box 1226, 2810 Jensen Avenue, Fresno, Calif. 93715. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation, as a highway common carrier, of *General commodities*, between the points and over the routes, as follows: (A) Between all points on or within twenty (20) miles of the following routes: (1) Interstate Highway 5 between Dunnigan and Redding, inclusive. (2) Interstate Highway 5 between San Clemente and San Ysidro, inclusive. (It is proposed that Interstate Highway 5 will be utilized for service between Redding and San Ysidro but by virtue of applicant's present authority, it can use any route between all points it serves. Interstate Highway 5 is already available between authorized points). (3) State Highway 99 between Sacramento and Red Bluff, inclusive. (4) U.S. Highway 101 between San Francisco and Los Angeles, inclusive. (5) State Highway 120 between Manteca and intersection of State Highway 108, inclusive. (6) State Highway 108 between Sonora and the intersection of State Highway 120 and State Highway 108, inclusive. (7) State Highway 168 between Fresno and Mono Hot Springs, inclusive. (8) State Highway 180 between Fresno and Adar Grove, inclusive. (9) unnumbered highway between Shaver Lake and Centerville, inclusive; and (10) State Highway 65 between Lincoln and Marysville.

Carrier shall not transport shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. (2) Automobiles, trucks, and buses, viz.: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs; and (8) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760444–CCT, filed June 8, 1976. Applicant: SUNSHINE STATE MESSENGER SERVICE, INC., 2331 N. State Road Seven, Fort Lauderdale, Fla. 33313. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, from, to, or between all points and places in Broward, Dade, and Palm Beach Counties, Fla., on shipments not exceeding 1,000 pounds; pick up and delivery to be made within 18 hours from the time of pick up. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–6374, filed June 8, 1976. Applicant: A. C. U. TRANSPORT, INC., 131 East Broad Street, Utica, N.Y. 13501. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Utica, N.Y., on the one hand, and, on the other, points in Chenango County, N.Y. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, Building 5, State Campus, Albany, N.Y. 12232 and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 2668 (Sub-No. 6), filed June 2, 1976. Applicant: HOHENWALD TRUCK LINES, INC., 107 Mill Street, Hohenwald, Tenn. 38462. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Hose and materials and supplies* used in the manufacture of hose, between Summertown and Lawrenceburg, Tenn.: From Summertown, Tenn. over Tennessee Highway 20 to junction with U.S. Highway 43, thence over U.S. Highway 43 to Lawrenceburg, Tenn. and return over the same route, serving no intermediate points, restricted to traffic originating at or destined to the facilities of the American Biltrite Rubber Co., Inc. located at or near Lawrenceburg, Tenn. The requested authority to be used in conjunction with all of applicant's existing authority. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place scheduled for August 27, 1976, at 9:30 a.m. at the Commission's Court Room, C1–110, Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–111, Cordel Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–18981 Filed 6–30–76;8:45 am]

federal register

THURSDAY, JULY 1, 1976



PART II:

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

■

ARCHITECTURAL BARRIERS

Guidance for Compliance System Development

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

ARCHITECTURAL BARRIERS

Guidance for Compliance System Development

PURPOSE AND APPLICATION

In the preamble to the notice of proposed rulemaking of June 10, 1976, proposing 36 CFR Part 1150, Practices and Procedures for Compliance Hearings (41 FR 23597), the Architectural and Transportation Barriers Compliance Board (hereinafter "A&TBCB" and "Board") stated that further work was being undertaken regarding the total A&TBCB compliance program. The purpose of this document is to provide general notice to all concerned parties of the preliminary development of additional guidance and direction to assure implementation of Section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112 (hereinafter the "Rehab Act"). The Rehab Act mandates the A&TBCB to ensure compliance with the standards issued pursuant to the Architectural Barriers Act of 1968, Pub. L. 90–480 (hereinafter "Pub. L. 90–480"), which law requires, in essence, that federally occupied and funded buildings and facilities be designed, constructed and altered in accordance with standards so as to be accessible to, and usable by the physically handicapped.

The A&TBCB guidelines and procedures implementing its compliance system apply to all federally owned, leased, or otherwise funded, facilities including transportation buildings and facilities, at any phase of design, construction or alteration, that are subject to the standards issued under Pub. L. 90–480. The system herein outlines the responsibilities of the A&TBCB and the Federal agencies, departments and instrumentalities, including actions to eliminate architectural, transportation and attidudinal barriers in the Federal sector. The A&TBCB is in the process of procuring technical support to aid Federal agencies in developing specific decentralized compliance processes to complement the activities of the A&TBCB.

The provisions discussed herein apply to all Federal agencies, departments, and instrumentalities. The provisions hereinafter set forth will facilitate the incorporation of barrier-free design standards in the design, construction and alteration of federally owned, assisted, and leased buildings and facilities.

The A&TBCB recognizes and intends this to be a general notice. As such, this notice is designed to present (1) a background statement reflecting the evolution of and need for the development of a Federal-wide compliance program; (2) a statement of processes and components currently conceived as necessary to ensure effective and efficient compliance execution within individual agencies including an identification of responsible compliance element while reviewing and assessing extent of compliance.

BACKGROUND

In recent decades, major initiatives have occurred to prevent discrimination against handicapped individuals and to recognize their rights for ready access to the physical, social, and working environments. Increasing legislative, administrative, and judicial actions have been mounted at all levels of government to recognize the design and construction of environmental barriers as a type of discriminatory practice which restricts and impedes the social integration of handicapped persons.

On September 26, 1973, through the Rehab Act, Federal action was taken to end the continuing creation of environmental barriers. To accomplish this, Section 502 of the Rehab Act established the A&TBCB as a major, national force for achieving the elimination of environmental barriers.

The Board was established as a quasi-independent agency composed of the heads of nine Federal agencies. The Secretary of Health, Education, and Welfare serves as permanent Chairman of the Board. Other permanent members include the Cabinet level officials of the Departments of Transportation, Housing and Urban Development, Labor, Interior, Defense, General Services Administration, United States Postal Service, and the Veterans Administration.

The primary mission of the Board is to ensure the barrier-free design and construction of buildings and facilities that are built by the Federal government or are federally assisted as set forth in Pub. L. 90–480. In carrying out this fuction, the Board is charged with the authority to investigate and examine such construction and to issue orders it deems necessary to ensure compliance. In this regard, an order of compliance is final and binding and may include the withholding or suspension of Federal funds with respect to buildings or facilities constructed or funded by Federal departments, agencies, or instrumentalities.

In addition, the Board is charged with the responsibility to investigate, evaluate, and develop alternate solutions to all forms of barriers in all modes and sytems of transportation, public buildings, monuments, parks and parklands, and residential housing. In undertaking this role in the areas of transportation and housing, the Board has a very specific directive to fully investigate the nature of barriers and the causes for their continued existence, considering the relationships of all organizations, agencies, and groups with the capacity to assist in barrier elimination. The Board submits to the President and Congress plans and proposals necessary to effectuate comprehensive and consistent action among any public or private organization as well as recommendations for legislation and administration as deemed necessary or desirable to eliminate all categories of barriers.

Earlier efforts toward accomplishing the Board's mission existed through a proliferation of public education programs designed to create an awareness of the problems of inaccessibility. Educational and persuasive efforts were undertaken because the existence of barriers was attributed primarily to an overall failure to consider the needs of the handicapped at the design and planning stages. With the collective resources and expertise of both private and public agencies, significant strides were taken during the last decade to identify and document architectural barriers and secure voluntary recognition and application of barrier-free principles.

The need for nationally recognized specifications on accessibility was met through the United States of America Standards Institute's (currently American National Standards Institute) issuance of "Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," (ANSI A117.1–1961). Key Federal agencies, such as the General Services Administration, United States Postal Service, Veterans Administration, Defense, and the Department of Health, Education, and Welfare voluntarily adopted the standard's provisions and asked other agencies to do likewise.

To further these voluntary efforts into more comprehensive and effective action, Congress established the National Commission on Architectural Barriers to Rehabilitation of the Handicapped in the Rehibilitation Act Amendments of 1965. The Commission was given a three-year authorization to determine how and to what extent barriers restrict accessibility, assessing the level and impact of efforts underway by public and private agencies, and reporting to Congress on recommendations for further actions to achieve the goal of ready access to, and full use of facilities and buildings of all types.

The Commission's survey of Federal barrier related actions and policies identified the many affirmative roles assumed by Federal agencies. Also disclosed, however, was the widespread continuation of unimpacted federally sponsored and assisted construction and renovation activities; the existence of agency policies and provisions which contradicted the intent of the standard provisions; and attitudes of unwillingness to do more than what was believed to be absolutely essential.

In 1967 the National Commission documented its recommendations in a report entitled Design for All Americans. The report concluded that change cannot be achieved by voluntary efforts alone. Education and persuasion must be buttressed by administrative and legislative actions. Legislation was recommended to make the Federal government a major source of support for barrier removal efforts. The Commission proposed legislation which would require that all new facilities intended for use by the public which are leased, owned, or assisted through the use of Federal funds be designed and constructed without barriers. It was also recommended that the Department of Health, Education, and Welfare (HEW) be made responsible for the establishment and promulgation of Government-wide policies, procedures and

specifications and their enforcement to achieve at least minimum standards of accessibility in public buildings. It was recommended that HEW, in cooperation with the General Services Administration, ascertain the compliance of all Federal agencies and departments to Federal accessibility laws.

Congressional response to the Commission's findings and recommendations came on August 12, 1968, with the enactment of the Architectural Barriers Act of 1968 (Pub. L. 90–480), as amended by the Act of March 5, 1970 (Pub. L. 91–205), which covers facilities under authority of the National Capital Transportation Acts and the Washington Metropolitan Area Transit Regulation Compact. The Act was the first major legislative enactment of the Federal government which recognized the rights of handicapped individuals to access and use of buildings and facilities owned or funded in whole or in part by the Federal government. It authorized the heads of the General Services Administration, Department of Housing and Urban Development, and the Department of Defense, in consultation with the Secretary of Health, Education, and Welfare, to establish standards for design, construction, and alteration to ensure that covered buildings and facilities are accessible to, and usable by the handicapped. Under the Act, covered buildings and facilities required to conform to the standards include those constructed, altered, or leased through the use of Federal funds either through a contractual or indirect (grant or loan) assistance basis. Through the intended broad-sweeping provisions of this Act, an estimated 35 Federal agencies with construction program authority were affected. The Act was fashioned to ensure that the word "building" be given the broadest possible interpretation. Only certain military and residential structures were excluded from its provisions. All other Federally sponsored and assisted buildings and facilities, whether they be small rest stations at public parks or multi-million dollar Federal office buildings, were to be constructed to provide accessibility to the disabled.

The Administrator of the General Services Administration, by virtue of his Federal-wide involvement and expertise with the installation and procurement of facilities, was authorized and made responsible under Section 2 of the Act to (1) "prescribe such standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act, and facilities of the Department of Defense subject to this Act) as may be necessary to ensure that physically handicapped persons will have ready access to, and use of, such buildings;" (2) "modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned upon a determination by the Administrator * * * that such modification or waiver is clearly necessary;" and (3) "to conduct such surveys and investigations as he deems necessary to ensure compliance with such standards."

The standards setting and investigating authorities and responsibilities of the Secretaries of Housing and Urban Development and Defense under Sections 3 and 4 of the Act are identical to those of the Administrator of General Services Administration, although they are confined to the construction-related program activities of those agencies.

In response to the mandate of Pub. L. 90–480, the General Services Administration, the Department of Housing and Urban Development, and Department of Defense, each issued regulations and amended their construction manuals to include the American National Standards Institute's standards of accessibility (ANSI A117.1–1961).

The General Services Administration implemented Pub. L. 90–480 by including Subpart 101–9.6, "Accommodations for the Physically Handicapped" in the Federal Property Management Regulations (FPMR). That Subpart, among other things, defines the buildings which are subject to the Act, prescribes the ANSI A117.1 standards of accessibility to be used in designing and constructing those buildings, and establishes requirements for the review, certification, and record keeping of the application of the required standards in all buildings and facilities other than residential structures subject to Pub. L. 90–480, and building, structures, and facilities of the Department of Defense subject to the Act.[1] The administration of the requirements of that subpart is a continuous activity of the General Services Administration.

Toward implementation of Section 3 of Pub. L. 90–480, the Department of Housing and Urban Development (HUD) promulgated regulations on September 24, 1969 (24 CFR, Part 40—Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures). The HUD regulations provide a definition of residential structures covered by the Act to include structures which are designed for the elderly, intended for physically handicapped occupancy, contain 25 or more units, or have an elevator; they establish departmental requirements for administering agency certification and record keeping of the application of the required standards, and adopt a modified ANSI A117.1 standard of accessibility.

Implementation by the Department of Defense of Section 4 of Pub. L. 90–480 was through a policy provision in the Department's Construction Criteria Manual, DoD 4270.1M, paragraph 5–1.6, entitled "Provisions for Physically Handicapped." The policy statement promulgated the ANSI A117.1 standard of accessibility, and exemplified both covered military structures and facility types. Each of the three military departments, in turn, implemented this policy through their own publication.

Three years after Pub. L. 90–480 was implemented, it was recognized by Congress that compliance with the Architectural Barriers Act of 1968 had been very spotty. Few initiatives were visible within the responsible Federal agencies either to meet the authorizing intent of the Act in developing new and revised barrier-free construction standards pertaining to the many covered building and facility types, or establish mechanisms to ensure compliance with the minimum standards already adopted.

These conditions were attributed to the absence of any one central agency or force clearly responsible under statute or by administrative arrangement for ensuring the comprehensive and consistent development and enforcement of Federal design standards. It was, therefore, strongly believed by Congress that a new Federal unit was necessary to fulfill this function, and achieve the goal of societal integration of the handicapped by becoming a major national force for positive change in the elimination of all categories of barriers.

For this reason, the Rehab Act provides in Title 5, Section 502, provisions for the establishment of the A&TBCB. The Board was given the primary assignment and ultimate responsibility to:

> * * * ensure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (P.L. 90–480), as amended by the Act of March 5, 1970 (P.L. 91–205).

In carrying out its functions under this Section, the Board was further authorized and made responsible under the Act, as amended by the Act of December 7, 1974 (Pub. L. 93–516), to:

> * * * conduct investigations, hold public hearings, and issue such orders as it deems necessary to ensure compliance with the provisions of the Acts cited in Subsection (b). The provisions of Subchapter II of Chapter 5, and Chapter 7 of Title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review. Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in Subsection (b) of this Section.

The three standard setting agencies cited in Pub. L. 90–480, along with the Department of Health, Education, and Welfare, are joined on the Board by the Departments of Interior; Labor; Transportation; United States Postal Service; and the Veterans Administration. These five other construction related Federal agencies were the ones most affected by the implementation of Pub. L. 90–480, especially those regulations of the General Services Administration which has the widest scope of authority under the standard setting responsibility under

[1] Not every responsible agency under the FPMR requirement has responded to the recording and certification requirements because of the procedures' incompatibility with existing construction related programs and record keeping procedures within the various Federal agencies.

Pub. L. 90–480. It was understood by Congress that through this Board combination of nine Federal agencies, the Federal government could work most effectively toward compliance.

At the first meeting of the Board, a necessity was recognized for sharing information about each agency's activities directed toward the implementation of Pub. L. 90–480. Members of the Board agreed that its first activity should be the assembly and review of each agency's reports detailing compliance mechanisms employed and activities related to Pub. L. 90–480.

Presentations on the agencies' compliance related mechanisms and activities revealed many basic problem areas. The reports disclosed wide variances in internal procedures, staff training, available resources, compliance investigation, penalties for noncompliance, concepts of coverage and technical assistance. Acceptable levels of compliance were not being achieved.

It became clear to the members of the Board that beyond the 1969 adoption and promulgation of certain provisions for accessible building elements, there had been little activity. The fact that there existed inconsistent interpretations of coverage of Pub. L. 90–480, and minimum compliance with the promulgated standards of accessibility was acknowledged and later documented in surveys conducted by private organizations and Federal agencies such as the General Services Administration, Department of Health, Education, and Welfare, and the General Accounting Office through a Federal-wide survey of compliance.

As a part of the Board's early policy formulation, it was determined that A&TBCB compliance related responsibilities and activities must be equally shared and supported by those Federal agencies affected by the provisions of Pub. L. 90–480. A desire was expressed for the establishment of a decentralized compliance system covering construction and related assistance programs, which would be administered through guidelines and regulations of the guidelines and regulations of the A&TBCB and member agencies authorized under Pub. L. 90–480.

In September 1974, the A&TBCB established an interagency compliance commitee to complete the necessary research and groundwork for development of a compliance plan which would prepare implementation of a vigorous and comprehensive compliance system.

Based upon a review and analysis of Federal agency compliance concepts and practices, it was determined by the committee that there was a wide diversity in (a) the interpretation of coverage, (b) adequacy of compliance procedures, (c) allocation of compliance authority among the parts of an agency, (d) coordination of compliance officials, (e) commitment in contracts to construct or alter, (f) agency monitoring of contracts, (g) available compliance resources in agencies, (h) agency corrective practices when noncompliance is evident, and (i) the knowledge of which structures fall within the agency's kind of responsibility.

The committee's proposed compliance plan recommended that the Board develop guidelines and requirements for agency use, and regulations and procedures for its own compliance functions. The plan would require the development of "agency program plans" by all Federal agencies, departments, and instrumentalities with authorities to finance covered building or facility construction, alteration, or leasing. Agency representatives on the committee found it essential that the Board's guideline/requirements for agency plans provide an identification of agency-wide compliance officials and related resource allocations; agency regulations; monitoring of contract implementation during its life; inventory of all covered and non-covered funded buildings; affirmative programming for barrier removal; contract, grant, and loan clause contents; agency head policy statement; and reporting to the Board on compliance progress.

Subsequent to the compliance committee activities, the A&TBCB has determined to set its highest priority in the implementation of regulations, guidelines, and procedures necessary to establish a decentralized system of compliance to carry out the full intent of Pub. L. 90–480.

To implement its compliance policy, the A&TBCB adopted the following planning goals at its January 11, 1976, meeting: (1) To assume a coordination role in the development and revision of prescribed standards, to ensure that such standards provide accessibility to and usability of all covered Federally assisted facilities. (2) To promulgate such regulations and guidelines as may be necessary to ensure compliance with barrier-free design standards prescribed in accordance with Pub. L. 90–480, as amended. (3) To exercise a system of compliance, including such procedures of compliance as monitoring, investigation, hearings, litigation and technical assistance, as authorized by statutes and prescribed standards.

To effectuate these goals, it was later determined that as part of its compliance program there should be a systematic and continuing review of the agencies' central and regional procedures in design review, construction related granting and contracting activities, data gathering, record keeping, and issuance of internal guidance materials.

In June 1975, the A&TBCB established a Division of Compliance. This Division, along with the supportive efforts of the Board's General Counsel, has primary responsibility to promulgate and maintain regulations and guidelines necessary to exercise and enforce a system of compliance; and to coordinate the development and revision of prescribed standards. Toward the accomplishment of these goals, the objectives which the Division of Compliance works to carry out are: (1) to collect, synthesize, correlate and evaluate non-Federal compliance related materials with applicable Board legislation and policies in the development of methods and processes of compliance for inclusion in published regulations; (2) to develop guidelines and procedures for implementation of a compliance system applicable to all covered federally owned or leased facilities at any phase of construction or alteration, or any aspect of covered Federal transportation system; (3) to develop the procedures to apply remedies for noncompliance, such as investigations, hearings, litigation, and orders; (4) to obtain, review, and maintain all prescribed and supplemental standards promulgated by Federal agencies which pertain to barrier-free design; (5) to function as the focus of coordination for the development of new standards and revisions through interagency reviews and determinations; (6) to establish a resource library for all international, State, and local government or private organizational and other standards related to barrier-free design; (7) to establish for general use, frameworks for standards development which would encourage and promote comprehensiveness and consistency, and still provide for unique situations; and (8) to establish a select interagency review team to render code and standard interpretations.

Toward the partial implementation of the Board's enforcement responsibilities, proposed rules governing the practice and procedures for compliance hearings were adopted for publication at the A&TBCB meeting of May 11, 1976. These rules were published on June 10, 1976, proposing 36 CFR, Part 1150, Practices and Procedures for Compliance Hearings (41 FR 23597). In addition to its enforcement responsibilities, the A&TBCB maintains recognition of its obligation to provide the necessary guidance, direction, and support to responsible Federal agencies for establishing compliance programs compatible with the Board's enforcement expectations. In support of this, the Board is currently in the negotiation stage of a contract to provide technical support to the A&TBCB and responsible Federal agencies during the development of the various elements of a consistent, yet agency specific, decentralized compliance system.

To accomplish this, the contractor will provide support services during FY '77 through the Board to Federal agencies in the development and implementation of the component elements of agencies' compliance programs outlined in the following section of this general notice.

Compliance Processes and Application

Introduction

The A&TBCB is now in the process of developing a Federal-wide system of ensuring compliance with the design, construction, and alteration standards promulgated pursuant to Pub. L. 90–480, as amended by the Act of March 5, 1970 (Pub. L. 91–205).

Towards the accomplishment of its enforcement responsibilities, the A&TBCB has proposed procedures for the administrative review and resolution of compliance disputes. The Board's compliance responsibility, however, also requires that it ensure the application of the promulgated standards of accessibility at the early phases of building

and facility design and construction. It is felt that compliance at these stages can best be accomplished jointly through A&TBCB guidance and agency implementation. Therefore, the Board has determined to set its highest priority in setting forth regulations, guidelines, and procedures necessary to establish a decentralized compliance system to be implemented and administered by Federal departments, agencies, and instrumentalities with program authorities covered by the provisions of Pub. L. 90–480, as amended. In this way, the Board can assist responsible agencies in meeting the A&TBCB enforcement requirements, avoiding total dependency upon adversary compliance proceedings and costly corrective actions.

The A&TBCB has noted within its member agencies the adverse results of uniform and centralized compliance record keeping, monitoring, and certification requirements incompatible with existing construction related program procedures. Such requirements tend to jeopardize the effective delivery of the program service, and also work to the detriment of their intended effect. Board regulations and guidelines for a decentralized compliance program should, therefore, be met in advance by joint acceptance, and awareness of agency capabilities and A&TBCB compliance expectations. Beyond the importance of avoiding burdensome and unnecessary resource and procedural requirements, joint participation and guidance is necessitated at every phase of compliance program development, implementation, and operation to ensure Federal-wide consistency of individual agency compliance programs, and their continuing compatibility with the information and enforcement expectations of the A&TBCB.

To provide for the continuation of oversight and guidance of agency compliance programs, the A&TBCB will establish a system of monitoring, and assessing the coverage of agency compliance plans, and their conformity and accuracy in meeting A&TBCB guideline requirements. It is understood that the quality of compliance with prescribed standards is generally a responsibility of the individual agency. However, this centralized function is being established to assist the Board in reporting to the President and Congress concerning the overall quality of compliance in the Federal government.

AGENCY COMPLIANCE ELEMENT

With Federal departments, agencies, and instrumentalities affected by A&TBCB compliance procedures, there is a wide array of program units with construction related authorities covered by the provisions of Pub. L. 90–480. The A&TBCB is unable to provide direct guidance to each such unit and will request that agency heads identify a single compliance element to maintain permanent liaison with the A&TBCB and internal program units.

Working in association with the A&TBCB, the identified compliance element will be responsible for compliance program design, development, and implementation functions. The identified compliance element will also be responsible for understanding and translating A&TBCB compliance program requirements as herein outlined, and providing supervision over agency compliance operations and support activities.

The A&TBCB emphasizes the importance of identifying an agency compliance element which can adequately represent agency-wide concerns, policies, and capabilities relative to the nature of the intended compliance program. Agency heads are, therefore, encouraged to identify established units which may be the points of focus in coordinating the agency's design and construction related review and monitoring activities.

Initial responsibilities of the agency compliance element associated with compliance program development functions will include the comprehensive identification and assessment of programs with authorities to undertake and finance covered building and facility design, construction, alteration, and leasing; existing agency compliance related procedures, policies, regulations and documents; existing compliance information storage and retrieval systems; and technical capacities to implement and maintain the required compliance program components. Subsequent responsibilities of the agency compliance element during the compliance program implementation phase should include the design and development of a compliance information system; project certification process; action plans and incentive programs; and quality control mechanisms which include procedures for complaint processing, tracking and reporting, corrective actions; and modifications and waivers. Agency compliance element responsibilities throughout the operation of the compliance program should include a regular evaluative review, assessment, and reporting of compliance program effectiveness.

REVIEWS AND ASSESSMENTS

An effective compliance program will be dependent upon a coordinated approach throughout the agency. Such an approach can be accomplished by the identification of compliance officials within all applicable and affected facets of the agency. The functioning of such officials will be dependent upon reviews and assessments with regard to the following types of areas:

1. Agency programs with authority to fund covered building or facility construction, alteration or leasing. This review and identification should include notation of these programs as well as all agency units which may make use of each program. Accomplishment of this review will assist the agency in planning and directing its compliance program as well as identifying the key compliance liaison staff persons.

2. Existing agency compliance policies, mechanisms, and procedures. When evaluated in keeping with the compliance structure derived from the preceding review, this will allow the agency to assess the compatability of its overall compliance related orientation with the outlined structure which will follow. In depth comprehension of existing policies, mechanisms, and procedures with regard to projected structures is essential at this early point in compliance program development.

3. Existing information storage and retrieval systems. At this point in time it appears that development of a Federal-wide compliance system will be dependent upon an efficient and agency compatible information system. Such systems may presently be in existence in agencies, but not necessarily related to compliance matters. This review is to assess the agency's processing and storage capacities and to identify the compatability of methods used with the projected desirability of developing a Federal-wide, agency specific compliance information system.

4. Agency technical capacity for developing, implementing, operating, and supporting a compliance program. This review includes an assessment of the technical knowledge and capabilities of all personnel (budget, contracts, standards, engineering, evaluation, etc.) who deal with compliance related matters as well as the depth and appropriateness of compliance related materials.

DESIGN AND IMPLEMENTATION

In order to design, develop, implement and operate a consistent and compatible compliance system, agencies should consider the following guidance.

COMPLIANCE INFORMATION PROCESSING SYSTEM

The design and implementation of a compliance program is premised upon the provision, by the agency, of an applicable compliance information processing system. The purpose of developing such a system is to provide a means for accessing and processing basic information needed to initiate and operate a compliance program. Such a system should assure immediate access to the information by both internal agency units as well as other agencies and the centralized compliance system. The compliance information processing system will be a basic tool in the management of the agency compliance program as it may accommodate a continuous flow of information supportive of and responsive to the elements and functions described below.

COVERED AUTHORITIES

The aforementioned information system supplies a means of processing the materials obtained from the previously described review and assessment of agency programs with authority to fund covered building or facility construction, alteration or leasing. Programming of this information should allow identification of whether or not projects being initiated are subject to coverage under the provisions of prescribed regulations and standards issued pursuant to applicable legislation.

COMPLIANCE CONTROL PROCEDURES

In order for the agency to maintain an accurate record of the extent of compliance in covered projects, it will be necessary to develop a project tracking and reporting system. This system should include compliance checks at at least five key points during the standards related periods of the project construction. These five points should be (1) pre-design stage, (2) preliminary plans, (3) working drawings and specifications, (4) actual construction, (5) post occupancy. In cases where these milestones are not applicable, similar checkpoints may be applied. The reports of these compliance checks should provide a basis for determining the extent of compliance, and thus, if applicable certification of compliance by a responsible project official. The compliance information processing system should accommodate the processing and storage of the status of certification for future reference.

So as to ensure quality control of the reporting and certification mechanism, the agency should develop a method to verify the accuracy of the reports and certifications. Such verifications may include spot checks to assure the accuracy of reported data and proper interpretation of applicable standards. Further, quality control may be significantly aided by agency development of an incentive program to encourage personnel involved in compliance and construction programs to meet or exceed the requirements of Pub. L. 90–480.

INQUIRY AND RESPONSE

The agency can anticipate that with regard to compliance matters, there will be both non-technical and technical inquiries related to design and construction. These include informal and formal complaints or requests for technical information or assistance. Regarding complaints, specific information could be programmed into the compliance information processing system so as to determine if a resolution could be made from existing data. All complaints should be programmed into the system for future reference.

Regarding inquiries requesting technical assistance, questions posed may relate to standard and code interpretation, design criteria, design solution, reference material, etc. Response to such inquiries will be dependent upon an adequate technical capacity within the agency. Further development of that capacity will be addressed in the next section.

CORRECTIVE ACTIONS

The agency should develop means of being responsive to instances of alleged noncompliance. In cases of covered facilities, the agency should develop procedures for corrective action to include specific, detailed schedules for the provision of technical assistance and for correction of any noncomplying element. Additionally, the agency should consider exercising sanctions for failure to undertake corrective action.

In cases of noncovered facilities, such as agency utilized structures funded prior to the implementation of Pub. L. 90–480, the agency should develop action plans for the removal of barriers. Such plans will provide a program for the allocation of funds for such activities as well as specifying the sequencing of events leading to the removal of barriers.

So as to compliment and aid corrective action in both cases, the agency should provide necessary training for agency compliance-related personnel to ensure full knowledge of the requirements for compliance and heighten technical capacity. Further, successful implementation of the above described incentive programs may aid in planning corrective actions, particularly in noncovered facilities.

WAIVERS AND MODIFICATIONS

The agency should develop a formal procedure for the consideration and processing of waivers and modifications from the standards prescribed under Pub. L. 90–480. The agency should take care to design such procedures so as to comply with those established by the General Services Administration, Department of Defense, or the Department of Housing and Urban Development. A record of and justification for all waivers and modifications should be programmed into the compliance information processing system.

EVALUATION

As necessary, and/or upon agency request the A&TBCB will schedule compliance conferences to provide agencies and other parties concerned with Federal construction programs an opportunity to deal with specific questions relative to the overall effectiveness of the compliance system and to obtain further information regarding such systems. The conferences will be public, nonjudicial forums. Conference topics may be selected to further address the effectiveness of the compliance system and may assist in ensuring that the application of the standards is consistent with the fundamental legislative intent and to ensure the gradual removal and prevention of environmental barriers to handicapped individuals in federally occupied or funded buildings and facilities. Conferences and hearings may be scheduled throughout the country, primarily in cities that are major centers of Federal activities.

Dated: June 28, 1976.

STANLEY B. THOMAS, JR.,
Chairman, Architectural and Transportation Barriers Compliance Board.

[FR Doc.76–19104 Filed 6–30–76;8:45 am]

federal register

THURSDAY, JULY 1, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

■

HEAD START PROGRAM PERFORMANCE STANDARDS

Final Self-Assessment / Validation Instrument

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

HEAD START PROGRAM PERFORMANCE STANDARDS

Final Self-Assessment/Validation Instrument

Notice of Head Start Program Performance Standards Proposed Self-Assessment/Validation Instrument to be used by Head Start grantees and delegate agencies in conducting an annual assessment of grantee activities was published in the FEDERAL REGISTER at 40 FR 50960 on October 31, 1975. Interested persons were invited to submit written comments, suggestions, or objections on or before December 1, 1975 and subsequently extended to February 1, 1976. By close of business February 1, 1976, 35 letters were received. Nine of these were written primarily for the purpose of registering satisfaction with the Self-Assessment/Validation Instrument.

On the whole the comments were constructive and supportive of the instrument. They dealt mainly with issues of format and style, inconsistencies across components and with omissions and discrepancies in numbering and wording between the individual specific policies and the performance standards they represent.

Specifically the major concerns expressed were as follows:

1. Numbering, ordering, and wording of Individual Specific Policy in Col. 2 for Education, Health and Parent Involvement Component is inconsistent with that of the performance standard represented in several instances. In Column 7 the numbers under the Guidance for Assessing Compliance do not always correspond with the numbers in Column 2, Individual Specific Policy, to which it refers.

2. Under Column 2, Individual Specific Policy, in many instances, the parts and sub-items of a particular performance standard are not itemized separately so that compliance with each part may be designated individually rather than for the entire performance standard as a whole.

3. Also under Column 2, Individual Specific Policy, there is no provision made to distinguish compliance with the requirements for the written plan as opposed to the program operations.

4. Under the Performance Summary for each component the subject headings do not correspond to the Performance Standards, and omission of all sub-items of the performance standard provide an inaccurate picture of the degree of compliance.

5. There are no instructions on the self-assessment procedure and for scoring for compliance.

6. Maintenance of confidentiality of records is not addressed.

The proposed Self-Assessment/Validation instrument was revised taking into consideration the helpful comments received to make it easier to follow and use. The following changes were made:

1. The Individual Specific Policy in Column 2 was reworded and renumbered to agree with the Performance Standard represented. Each part and sub-item is now itemized separately so that compliance with each part and sub-item may be noted. The Guidance for Assessing Compliance (Column 7) for each part and sub-item was renumbered as appropriate to correspond with the numbers in Column 2.

2. Each component now contains 2 separate sections to indicate compliance with the performance standards: The first is related to the written plan only; the second to the program operations.

3. Under the Performance Summary Section of each component, all sub-items have been included.

4. To the Introduction was added general guidance for conducting the self-assessment and for maintaining confidentiality of records.

The effective date shall be July 1, 1976.

Dated: June 28, 1976.

(Catalog of Federal Domestic Assistance Programs Number 13,600; Child Development—Head Start)

STANLEY B. THOMAS, Jr.,
Assistant Secretary
for Human Development.

Office of Child Development
Office of Human Development
Department of Health, Education, and Welfare
Washington, D. C.

TABLE OF CONTENTS

	PAGE
INTRODUCTION	i
DELEGATE AGENCY OR GRANTEE TRANSMITTAL FORM	iii
EDUCATION	1
HEALTH SERVICES, GENERAL, MEDICAL, AND DENTAL	18
HEALTH SERVICES, MENTAL HEALTH	31
HEALTH SERVICES, NUTRITION	39
SOCIAL SERVICES	56
PARENT INVOLVEMENT	63

The Head Start Program Performance Standards Self-Assessment/Validation Instrument (SAVI) is designed to serve the dual purpose of aiding (1) Head Start grantees and delegate agencies in conducting an annual assessment of their activities and (2) the Regional Office in validating their findings in light of Head Start Program Performance Standards. It can also serve as one tool among others to identify training and technical assistance needs of the programs. This instrument contains questions on each performance standard with accompanying guidance that provides suggestions for assessing compliance in the areas of Education, Health (Medical, Dental, Mental Health and Nutrition), Social Services, and Parent Involvement. These performance standards pertain to the methods and processes to be used by Head Start grantees to meet the needs of children.

Along with its program performance standards, each component of Head Start has developed guidance that serves to explain the standards as well as to provide the "how to" for implementation. This guidance should also serve as the criteria against which to make assessments relating to compliance.

Head Start Program Performance Standards and the accompanying guidance are published in OCD Notice N-30-364-4, July 1975. All grantee and delegate agency staff and parents scheduled to participate in the self-assessment activities must be familiar with this information.

Self-Assessment Procedure

Each year each Head Start grantee, with the involvement of all its delegate agencies, must carry out a self-assessment and complete and submit to the Regional Office the composite Self-Assessment/Validation Instrument based on the findings of all delegate agencies and grantee. The local Head Start grantee must look at all delegate agencies by doing a substantial review of a sample of their activities. The self-assessment should be completed by the grantee prior to the grantee's on-site pre-review visit by the Regional Office. In rare cases, where the self-assessment cannot be completed by the grantee prior to the scheduled pre-review visit, the Regional Office may, in response to a request by an adequate justification provided by the grantee, move the date of the pre-review to a later time, not to exceed 60 days from the originally scheduled pre-review date.

It will be necessary for the grantee to assist the delegate agencies in carrying out a self-assessment of its program. The grantee and delegate agencies should form a self-assessment team(s) composed of Head Start staff (center and supervisory levels) and parents. Policy Committees and/or Policy Councils must be involved in all phases of the self-assessment, e.g., planning, training and assessing. Before undertaking the self-assessment, all persons participating should receive training in the self-assessment process and become knowledgeable of all the performance standards and the guidance specifically relating to the component being assessed. This training is necessary in order to enable team members to make an informed judgment as to the state of compliance. It is important that specialists in all of the components contribute to the self-assessment process in order that an accurate assessment be obtained.

Several procedures may be used to verify that the activities required for compliance with the performance standards are conducted: (1) actual observations of the activities,

(2) reading of sample records relating to the activities (education plans, minutes of meetings, training plans and records, job descriptions, work schedules, etc.); and (3) interviewing various personnel on activities performed.

Although the self-assessment of each component may be conducted at different times, it is more efficient to set aside a specific time during which assessment of all components can take place simultaneously. It is helpful to have the entire team meet as a unit several times but especially before the final decisions are made to discuss problem areas and cross-check findings.

Because of the confidentiality of children's and families' records required by Head Start Performance Standards, parents and volunteers are prohibited from reviewing records other than those of their own children. Children's health and education records and social service records on families are open only to Head Start staff and specialist consultants on a "need to know" basis.

Each delegate agency fills out the self-assessment form (SAVI) and submits it to the grantee. The grantee then prepares from the individual delegate agency reports a single composite self-assessment report (SAVI) for forwarding to the Regional Office.

Self-Assessment Instrument

There are 2 sections to the self-assessment intrument for each component. The first section deals with the assessment of the written plan. The second section deals with the assessment of program operations. Column one on the form Cross Reference Part 1304 provides the number of the Performance Standard for each of the corresponding questions listed in column two Individual Specific Policy. Column three Delegate Agency or Grantee In Compliance, Yes/No requires checking if the activity is in or out of compliance. In column four Reasons for Non-Compliance, are to be explained. Columns five and six are used by the OCD Regional Office to review and validate the grantee's findings. Column seven contains Guidance for Assessing Compliance.

At the end of each of the components, a Performance Summary sheet is provided to record findings on compliance or non-compliance.

Scoring of Self-Assessment for Compliance

For the grantee to be in compliance with a performance standard, it must meet the following conditions:

1. All parts or sub-items of the performance standard must be in compliance.

2. Each center in all delegate agencies must be in compliance with the performance standard and all its parts and sub-items.

Regional Offices will be responsible for reviewing and validating grantee performance.

Delegate Agency or Grantee Transmittal Form

Date:

Name of Delegate Agency or Grantee _____

Address _____

_____

_____

Telephone No. _____

Grantee No. _____

Name of Grantee Executive Director _____

Signature _____

Name of Head Start Director _____

Signature _____

Chairperson of Head Start Policy Council or Committee _____

Signature _____

Members of Self Assessment Team: _____

Signature and Title _____

_____

_____

_____

_____

iii

EDUCATION - WRITTEN PLAN

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated or revised)?							Check the written plan and interview specialist responsible for component. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview several members.
1-4	Does the plan provide that the Head Start program covered thereby meets or exceeds the performance standards as required for:							Compare contents of written plan against requirements specified in each performance standard and its parts and subitems. Circle the specific subitem not in compliance. If any subitem of a performance standard is not in compliance mark No for that part of the standard in Column 3.
	2-2(a)							
	(b)(1)(i)(ii)(iii)							
	(b)(2)(i)(ii)(iii)(iv)(v)							
	(b)(3)(i)(ii)							
	(c)(1)							
	(2)(i)(ii)							
	(3)							
	(d)							
	(e)(1)							
	(2)							
	(3)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
	2-2(e) (4)							
	(5)							
	(6)							
	2-3(a) (1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							
	(8)							
	(9)							
	(10)							
	(11)							
	(12)							
	(13)							
	(b) (1)							
	(2)							

EDUCATION - WRITTEN PLAN

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
	2-3(b)(3)							
	(4)							
	(5)							
	(6)							
	(7)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(b)(1)	Is there a supportive social and emotional climate which:							(1) Interview education director, teachers and parents to determine how program provides supportive social/emotional climate.
(i)	Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group activities;							(i) Observe in classrooms to see if room arrangement and daily schedule enable children to participate in individual, small group and larger group activities.
(ii)	Gives children many opportunities for success through program activities;							(ii) Look at classroom activities, daily plans, and/or materials to see if they are suited to the developmental level of children.
(iii)	Provides an environment of acceptance which helps each child build ethnic pride, develop a positive self-concept, enhance his individual strengths, and develop facility in social relationships?							(iii) Look at classroom activities, interactions, and/or materials to see if they show respect for each child; are free of sex role and racial/ethnic stereotyping; and provide opportunities to talk about feelings, to share responsibilities, and to share humor.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(b)(2)	Is development of intellectual skills provided for by:							(2) Interview education director, teachers and parents to determine how program provides for the development of intellectual skills.
(i)	Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing;							(i) Look at classroom activities, interactions, and materials to see if they provide opportunities for the child to manipulate objects which vary in size, shape, texture, weight, color, and so forth.
(ii)	Promoting language understanding and use in an atmosphere that encourages easy communication among children and between children and adults;							(ii) Look at classroom activities, interactions and materials to see if they provide time for children to talk to each other and to adults in the language of their choice and opportunities to hear and use new and interesting vocabulary and ideas.
(iii)	Working toward recognition of the symbols for letters and numbers according to the individual developmental level of the children;							(iii) Look at classroom activities, interactions and materials to see if they provide for the use of written numbers and letters within the context of children's understanding (e.g. children's names, labels, experience stories, availability of children's books, and so forth.
(iv)	Encouraging children to organize their experiences and understand concepts; and							(iv) Look at classroom activities, interactions, and materials to see if they provide opportunities for children to categorize, label, sequence, and talk about events and objects in their environment.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(b)(2)(v)	Providing a balanced program of staff-directed and child-initiated activities?							(v) Observe to see if program activities include active and quiet periods, child-initiated and adult-initiated activities, and use of special areas for quiet and individual play or rest.
2-2(b)(3)	Is promotion of physical growth encouraged by:							(3) Interview education director, teachers and parents to determine how program provides for promotion of physical growth.
(i)	Providing adequate indoor and outdoor space, materials, equipment, and time for children to use large and small muscles to increase their physical skills; and							(i) Review daily plans (if available) to determine if ample opportunity is provided for physical development. Observe to see that equipment, materials, and activities (indoor and outdoor) are in keeping with children's physical development.
(ii)	Providing appropriate guidance while children are using equipment and materials in order to promote children's physical growth?							(ii) Observe physical activities (both indoor and outdoor) to see if staff are actively involved with children and if activities are adequately supervised.
2-2(c)	Is the program individualized to meet the special needs of children from various populations by:							(c) Interview education director, teachers and parents to determine how program meets the special needs of children from various populations.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(c)(1)	Having a curriculum which is relevant and reflective of the needs of the population served (bilingual/bicultural, multicultural, rural, urban, reservation, migrant, etc.)?							(1) Check classroom materials & activities to confirm relevance to needs of Head Start population. (Curriculum is the learning environment plus the varied experiences provided for participating children.)
2-2(c)(2)	Having staff and program resources reflective of the racial and ethnic population of the children in the program by:							(2) Interview education director, selected teachers and parents to determine racial and ethnic population served:
(i)	Including persons who speak the primary language of the children and are knowledgeable about their heritage; and, at a minimum, when a majority of the children speak a language other than English, at least one teacher or aide interacting regularly with the children must speak their language;							(i) Interview teachers & parents to determine whether or not they speak the primary language of the children and are knowledgeable about their heritage.
(ii)	Having available one adult in the center to communicate in the native language where only a few children, or a single child, speak a language different from the rest?							(ii) Interview classroom staff or teacher & identify adults knowledgeable in specific language.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(c)(3)	Including parents in curriculum development and having them serve as resource persons (e.g., for bilingual/bicultural activities)?							(3) Interview parents to determine the extent of their involvement in program activities.
2-2(d)	Is there on-going observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs?							(d) Interview education director and selected teachers to determine procedures for ongoing individual child observation and determination of developmental needs; if specific instruments or scales are used, confirm appropriateness for Head Start population. Determine if information on file about children is free from labeling descriptions and is being used to plan program activities.
	Are the educational aspects of other Head Start components integrated into the daily education services program?							Interview all component directors to determine how the educational aspects of their components are integrated into the daily education activities. Interview teachers and observe in classrooms for example of integration of components.
2-2(e)	Are the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program enhanced by:							(e) Interview Head Start Director, selected staff and parents to determine how program provides staff and parent training.
2-2-(e)(1)	Parent participation in planning the education program, and in center, classroom and home program activities;							(1) Review minutes of group meetings responsible for education program for evidence of parent input. Interview education director and parents.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(e)(2)	Parent training in activities that can be used in the home to reinforce the learning and development of their children in the center;							(2) Interview parent coordinator and selected parents regarding kind and extent of training. Interview education staff to determine adequacy of training.
(3)	Parent training in the observation of growth and development of their children in the home environment and identification of and handling special developmental needs;							(3) Interview parent coordinator and selected parents regarding kind and extent of training. Interview education staff to determine adequacy of training.
(4)	Participation in staff and staff-parent conferences and the making of periodic home visits (no less than two) by members of the education staff;							(4) Examine schedules of staff & staff-parent conferences and home visits. Interview teachers and parents to determine degree of participation.
(5)	Staff and parent training, under a program jointly developed with all components of the Head Start program, in child development and behavioral developmental problems of preschool children; and							(5) Interview Head Start Director & parent coordinator to determine level of input from all components and nature of training.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-2(e)(6)	Staff training in identification of and handling children with special needs and working with the parents of such children, and in coordinating relevant referral resources?							(6)Interview Head Start Director,medical specialists, social services coordinator and selected parents regarding training and use of referral services.
2-3(a)	Is there a physical environment, conducive to learning and reflective of the different stages of development of the children? Home-based projects must make affirmative efforts to achieve this environment. For center-based programs, space shall be organized into functional areas recognized by the children, and space, light, ventilation, heat, and other physical arrangements must be consistent with the health, safety and developmental needs of the children. To comply with this standard:							(a) Observe in the program setting to determine if the overall appearance of the facility is safe, attractive and inviting.
(1)	There shall be a safe and effective heating system;							(1) Check heating system for safety and efficiency.
(2)	No highly flammable furnishings or decorations shall be used;							(2) Check for existence of flammable materials in the program setting.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-3(a)(3)	Flammable and other dangerous materials and potential poisons shall be stored in locked cabinets or storage facilities accessible only to authorized persons;							(3) Check for existence of dangerous substances and storage provisions of same.
(4)	Emergency lighting shall be available in case of power failure;							(4) Check for emergency lighting.
(5)	Approved, working fire extinguishers shall be readily available;							(5) Check availability and condition of fire extinguishers.
(6)	Indoor and outdoor premises shall be kept clean and free, on a daily basis, of undesirable and hazardous material and conditions;							(6) Check indoor and outdoor areas for cleanliness and absence of hazardous materials and/or conditions.
(7)	Outdoor play areas shall be made so as to prevent children from leaving the premises and getting into unsafe and unsupervised areas;							(7) Check outdoor play areas. If adjacent to hazards such as busy streets, bodies of water, etc. are they enclosed?
(8)	Paint coatings on premises used for care of children shall be determined to assure the absence of a hazardous quantity of lead;							(8) Interview center director if there have been tests for presence of lead or assurances of safe level.
(9)	Rooms shall be well lighted;							(9) Check for adequacy of lighting.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-3(a)(10)	A source of water approved by the appropriate local authority shall be available in the facility; adequate toilets and handwashing facilities shall be available and easily reached by children;							(10) Interview the Head Start Director. Check toilet and handwashing facilities.
(11)	All sewage and liquid waste shall be disposed of through a sewer system approved by an appropriate responsible authority, and garbage and trash shall be stored in a safe and sanitary manner until collected;							(11) Interview Head Start Director to determine disposal of liquid and solid waste. Observe both indoor and outdoor areas.
(12)	There shall be at least 35 square feet of indoor space per child available for the care of children (i.e., exclusive of bathrooms, halls, kitchen, and storage places). There shall be at least 75 square feet per child outdoors; and							(12) Interview Head Start Director regarding available space.
(13)	Adequate provisions shall be made for handicapped children to ensure their safety and comfort.							(13) Check provisions for handicapped children. Interview Head Start Director.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-3(a) (13)	Evidence that the center meets State or local licensing requirements for similar kinds of facilities for fire, health, and safety shall be accepted as prima facie compliance with the fire, health and safety requirements of this section.							(a) Where required, confirm compliance with local licensing.
2-3(b)	Is there appropriate and sufficient furniture, equipment and materials to meet the needs of the program, and for their arrangement in such a way as to facilitate learning, assure a balanced program of spontaneous and structured activities, and encourage self-reliance in the children? The equipment and materials shall be:							(b) Observe in the program setting to determine if equipment and materials are in adequate supply, in good repair, and appropriate to the ages and developmental levels of the children served.
(1)	Consistent with the specific educational objectives of the local program;							(1) Interview education director and selected teachers.
(2)	Consistent with the cultural and ethnic background of the children;							(2) Observe in classrooms for materials which reflect the cultural/ethnic/language background of the population served.
(3)	Geared to the age, ability, and developmental needs of the children;							(3) Interview selected teachers. Observe in classrooms to determine if children find equipment and materials interesting and challenging.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
2-3(b)(4)	Safe, durable, and kept in good condition;							(4) Check equipment and materials for safety, durability and condition.
(5)	Stored in a safe and orderly fashion when not in use;							(5) Check all storage facilities.
(6)	Accessible, attractive, and inviting to the children; and							(6)Observe in all areas to determine if storage arrangements encourage children to accept reasonable responsibility for use and care of equipment and materials.
(7)	Designed to provide a variety of learning experiences and to encourage experimentation and exploration.							(7)Interview education director or selected teachers to determine how materials & equipment encourage children to learn through experimentation and exploration. Observe program activities to confirm above.

EDUCATION
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
	1304.2-2(a)				
Social/Emotional Climate	1304.2-2(b)(1)(i)				
	(ii)				
	(iii)				
Intellectual Skills	1304.2-2(b)(2)(i)				
	(ii)				
	(iii)				
	(iv)				
	(v)				
Physical Growth	1304.2-2(b)(3)(i)				
	(ii)				
Individual Needs	1304.2-2(c)(1)				
	(2)(i)				
	(ii)				
	(3)				

EDUCATION - (Cont'd)

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Observation/Records	1304.2-2(d)				
Staff-Parent Taining	1304.2-2(e)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
Facilities	1304.2-3(a)				
	(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
	(7)				
	(8)				

EDUCATION - (Cont'd)

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Facilities	2-3(a)(9)				
	(10)				
	(11)				
	(12)				
	(13)				
Equipment/ Materials	1304.2-3(b)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
	(7)				

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated and/or revised)?							Check the written plan and interview Health Services Advisory Committee members. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview a sampling of members.
1-4	Does the plan provide that the Head Start program covered thereby exceeds or meets the performance standards as required for:							Compare contents of written plan against requirements specified in each performance standard and its parts and subitems. Circle the specific submtems not in compliance. If any subitem of a performance standard is not in compliance mark No for that part of the performance standard in Column 3.
	3-2							
	3-3(a)							
	(b)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	3-3(b)(8)							
	(9)							
	(10)							
	(c)(1)							
	(2)							
	(d)							
	3-4(a)(1)							
	(2)							
	(3)(i)(ii)(iii)(iv)(v)							
	(vi)(vii)							
	(b)							
	3-5(a)							
	(b)							
	(c)							
	(d)							
	(e)							
	3-6(a)(1)							
	(2)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	3-6(a)(3)							
	(4)							
	(5)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-2	Is there a Health Services Advisory Committee advising in the planning, operation and evaluation of the health services program?							Review minutes or other documentation of Committee meetings to determine their role regarding advising in planning, operation, and evaluation of the Health Services program. Interview Committee members to determine role in the above function.
	Does the Committee consist of Head Start parents and health services providers in the community and other specialists in the various health disciplines?							Review with Health Coordinators and the Health Advisory Committee the composition and membership of the committee.
3-3(a)	Has there been obtained for each child enrolled in the Head Start program a complete medical, dental and developmental history?							(a)Review enrollment & health records to ensure that medical and developmental histories are obtained for each child. These records should be completed, where feasible, at the time of enrollment. If medical histories are not completed at that time, check and insure that forms for obtaining this information are available. Determine if program has a specific time frame for completion prior to physical exam. Check forms to ensure there is a provision for obtaining medical history and background for child for the screenings and examinations. Spot check selected child health records to determine that histories are complete.
	Has advance parent or guardian authorization been obtained for all health services provided?							Spot check enrollment forms for parent's authorization of health services.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-3(b)	Does the health screening include:							(b) Review procedures used for screening/
(1)	Growth assessment (head circumference up to two years old) height, weight, and age?							(1-8) Spot check health records to determine if the required and other appropriate screenings were provided to the children. If health screenings are not completed, then interview Health Coordinator and other appropriate staff to determine which screenings will be provided and the planned completion date.
(2)	Vision testing?							
(3)	Hearing testing?							
(4)	Hemoglobin or hematocrit determination?							
(5)	Tuberculin testing where indicated?							
(6)	Urinalysis?							
(7)	Based on community health problems, other selected screenings where appropriate, e.g., sickle cell anemia, lead poisoning, and intestinal parasites?							
(8)	Assessment of current immunization status?							
(9)	Procedures for identifying speech problems, determining their cause, and providing services?							(9) Review procedures for identifying speech problems, determination of cause and services provided.
(10)	Identification of the special needs of handicapped children?							(10) Is there written documentation that the diagnosis of a handicapping condition was made by appropriate professionals in accordance with OCD Notice A-30-333-4? Review procedures for identifying special needs of handicapped children.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-3(c)	Do medical examinations for children include:							(c)Selected individual children's records should be thoroughly reviewed as to whether these examinations are performed.
(1)	Examination of all systems or regions which are made suspect by the history or screening test?							
(2)	Search for certain defects in specific regions common or important in this age group, i.e., skin, eye,ear, nose, throat, heart, lungs, and groin (linguinal) area?							
3-3(d)	In accordance with local and State health regulations, do employed program staff have initial health examinations, periodic check-ups, and are they found to be free from communicable disease?							(d)Interview Health Services Coordinator and other appropriate staff to check the local and State health regulations for health requirements employed staff must meet to qualify for work in the program. Review staff health records to determine that such requirements have been met.
	Is each volunteer screened for tuberculosis in accordance with state and local regulations?							Check health records of personnel.
3-4(a)(1)	Is treatment obtained or arranged for all health problems detected in enrolled children?							(1)Ask Health Coordinator & other appropriate staff about follow-up procedures for health problems detected.
								Check individual child health records for follow-up treatment.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-4(a)(1)	Where funding is provided by non-Head Start funding sources is there written documentation that such funds are used to the maximum feasible extent?							(1) Identify any reports, statements, other documentation that indicates maximum utilization of community health resources.
	Are Head Start funds used only when no other source of funding is available?							Interview Head Start Director to determine to what extent Head Start funds are used because no other health resources are available.
(2)	Are completion of all recommended immunizations-diphtheria, pertussis, tetanus (DPT), polio, measles, German measles provided for? Mumps immunization shall be provided where appropriate.							(2) Check individual child records for completion of immunizations.
(3)	Are the following basic dental care services obtained or arranged for?							(3) Spot check the individual child health records to determine that basic dental care is provided.
(i)	Dental examination.							
(ii)	Services required for the relief of pain or infection.							
(iii)	Restoration of decayed primary and permanent teeth.							
(iv)	Pulp therapy for primary and permanent teeth as necessary							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-4(a)(3) (v)	Extraction of non-restorable teeth.							
(vi)	Dental prophylaxis and instruction in self-care oral hygiene procedures.							
(vii)	Application of topical fluoride in communities which lack adequate fluoride levels in the public water supply.							
3-4(b)	Is there a plan of action for medical emergencies?							(b) Check medical emergency plan. Interview Health Coordinator and other appropriate staff on how medical emergencies are dealt with in the program. Spot check child's records for permission and consent form. Observe classroom for posted first aid and emergency procedures. Interview staff to learn if at least one member is being trained or knowledgeable in first aid.
3-5(a)	Are there complete and up-to-date medical and dental records for each child containing: -child's medical and developmental history? -screening results?							(a) Spot check individual health records to determine that they are up-to-date and complete.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-5(a)	-medical examination data and evaluation of this information? -dental examination data and evaluation of this information? -up-to-date information about treatment and follow-up?							
3-5(b)	Are the child's health records forwarded with parental consent to school and/or health delivery system when the child leaves the program?							(b) Check forms for parental authorization to determine if consent is obtained for all records forwarded. Review process by which records are forwarded to the school or health delivery system.
3-5(c)	Is the parent given a summary of child's medical record which includes information on immunization and follow-up treatment?							(c) Ask Health Coordinator and other appropriate staff about process and format of providing summaries to parents. Interview parents to determine what medical information they receive regarding their child's health needs.
3-5(d)	Does the program utilize the Health Planning and Action Report?							(d) Ask local Medical Comsultants or Health Liaison Specialist if the report has been used to help plan and implement the health services program.
3-5(e)	Are parents told in all cases the nature of the data to be collected and the uses to which the data will be put, and that the uses will be restricted to the stated purposes?							(e) Ask Health Coordinator and other appropriate staff how program informs parents of the utilization of the health data collected. Review any program-parent correspondence or notification in this regard.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-6(a)	Is there an organized health education program for program staff, parents and children which ensures that:							(a) Review lesson plans or other documentation on health education program.
(1)	Parents are provided with information about all available health resources?							(1) Interview selected parents to determine if they were provided information about health resources.
(2)	Parents are encouraged to become involved in the health care process relating to their child? One or both parents should be encouraged to accompany their child to medical and dental exams and appointments.							(2) Interview selected parents to determine if staff encouraged them to become involved with their child's health care process. Check with staff on number of parents accompanying children.
(3)	Staff are taught and parents are provided the opportunity to learn the principles of preventive health, emergency first-aid measures, and safety practices?							(3) Interview staff and selected parents to determine the kind of health education program being provided.
(4)	Health education is integrated into on-going classroom and other program activities?							(4) Review curriculum and lesson plans with teachers to determine that such activities are included. Observe presence of tooth brushes, posters, preparation for mealtime, cleaning up after mealtime.
(5)	The children are familiarized with all health services they will receive prior to the delivery of those services?							(5) Interview appropriate staff to determine processes by which children learn about screening, examination and treatment services.

HEALTH SERVICES - GENERAL, MEDICAL, AND DENTAL
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
HSAC	1304.3-2				
Health Histories/ Parental Authorization	1304.3-3(a)				
Screening	1304.3-3(b)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
	(7)				
	(8)				
	(9)				
Needs of Handicapped	(10)				
Medical Examination	1304.3-3(c)(1)				
	(2)				
Staff Health Requirements	1304.3-3(d)				

HEALTH SERVICES - GENERAL, MEDICAL, AND DENTAL - (Cont'd)

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Treatment, Medical	1304.3-4(a)(1)				
	(2)				
Treatment, Dental	(3)(i)				
	(ii)				
	(iii)				
	(iv)				
	(v)				
	(vi)				
	(vii)				
Medical Emergency Plan	1304.3-4(b)				
Records	1304.3-5(a)				
	(b)				
	(c)				
	(d)				
	(e)				
Health Education	1304.3-6(a)(1)				

HEALTH SERVICES - GENERAL, MEDICAL, AND DENTAL - (Cont'd)

Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.3-6(a)(2)				
(3)				
(4)				
(5)				

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated or revised)?							Check the written plan and interview Health Services Advisory Committee members or mental health specialist. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview a sampling of members.
1-4	Does the plan provide that the Head Start program covered thereby meets or exceeds the performance standards as required for:							Compare contents of written plan against requirements specified in each performance standard and its parts and subitems.
	3-8(a)							
	(a)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							
	(8)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
	3-8(b)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							
	(8)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-8(a)	Is there a mental health professional available, at least on a consultation basis to the program and the children?							(a) Check with Health Coordinator to determine availability of a mental health professional. If consultation is part time, determine frequency.
	Does the mental health professional							
	(1) Assist in planning mental health program activities?							(1) Check with Health Services Advisory Committee if a mental health professional assists in planning mental health program activities. Interview mental health professional on program and mental health activities (if feasible).
	(2) Train Head Start staff?							(2) Teachers and appropriate staff should be interviewed on the types of training assistance and evaluation and provided to staff. Review training plan for curriculum.
	(3) Periodically observe children and consult with teachers and other staff?							(3) Check documentation for frequency of observation of children.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-8(a)(4)	Advise and assist in developmental screening and assessment?							(4) Review selected individual child health records for developmental screening and assessment procedures.
(5)	Assist in providing special help for children with a typical behavior or development?							(5) Teachers, appropriate staff and parents should be interviewed on the types of assistance the mental health professional is providing for children with a typical behavior or development.
(6)	Advise in the utilization of other community resources and referrals?							(6) Teachers, appropriate staff and parents should be interviewed on the assistance in using community resources and referrals.
(7)	Orient parents to mental health program and work with them to achieve objectives of mental health program?							(7) Interview selected parents on their orientation to the mental health program.
(8)	Take appropriate steps in conjunction with health and education services to refer children for diagnostic examination to confirm that their emotional or behavior problems do not have a physical basis?							(8) Review records of individual children receiving the assistance of the mental health program for referral for diagnostic examination.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-8(b)(1)	Is attention paid to pertinent medical and family history of each child so that mental health services can be made readily available when needed?							(1) Ask Health Coordinator, other appropriate staff including teachers and the mental health professional, if feasible, the process by which children with potential behavioral problems are recognized. Spot check referral and/or treatment records.
(2)	Is use made of existing community mental health resources?							(2) Check with appropriate staff to determine if all mental health resources have been identified and the extent to which they are being utilized. Review any lists of resources and referrals. Where feasible, contact a sample of local mental health resources and interview selected staff.
(3)	Is there coordination with education services component to provide a program keyed to individual developmental levels?							(3) Interview coordinator for both components. Ask about procedure for consultation between the two components.
(4)	Is there confidentiality of records?							(4) Check for locked cabinet or other suitable system for keeping of mental health records. Interview staff to determine that restrictions are followed.
(5)	Are there regular group meetings of parents and program staff?							(5) Interview staff and parents on types and frequency of group sessions.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304 Section	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-8(b)(6)	Is parental consent for special mental health services obtained?							(6) Spot check appropriate records for parental consent for special mental health services.
(7)	Are there opportunities for parents to obtain individual assistance?							(7) Interview staff and mental health professional (if feasible) and parents concerning requests, opportunities, and referrals for individual assistance. Review any related records that will substantiate this type of assistance.
(8)	Is there active involvement of parents in planning and implementing the individual mental health needs of their children?							(8) Interview parents and staff concerning nature and extent of parents involvement in mental health needs of their own children.

HEALTH SERVICES - MENTAL HEALTH
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
Mental Health Professional	1304.3-8(a)				
Mental Health Services					
Planning Activities	1304.3-8(a)(1)				
Staff Training	(2)				
Observation	(3)				
Developmental Screening/ Assessment	(4)				
Special Problems	(5)				
Locating Resources	(6)				
Parent Training	(7)				
Interdisciplinary Activities	(8)				
Follow-Up	(b)(1)				
Utilization of Resources	(2)				
Individualization of Program	(3)				
Records	(4)				

Health Services - MENTAL HEALTH - (Cont'd)

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Consultation	1304.3-8(b)(5)				
Parent Authorization	(6)				
Counseling Parents	(7)				
Parent Involvement	(8)				

HEALTH SERVICES, NUTRITION - WRITTEN PLAN

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated and/or revised)?							Check the written plan and interview nutritionist or nutrition coordinator. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview a sampling of members.
1-4	Does the plan provide that the Head Start program covered thereby exceeds or meets the performance standard as required for:							Compare contents of written plan against requirements specified in each performance standard and its parts and subitems.
	3-10(a)(1)							
	(2)							
	(3)							
	(b)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	(c)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							
1-4	3-10(d)(1)							
	(2)							
	(3)							
	(4)							
	(e)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(f)							
	(g)							
	(h)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(a)	Are the nutritional needs and problems of the children in the Head Start program and their families identified by taking into account:							
(1)	The nutrition assessment data (height, weight, hemoglobin/hematocrit) obtained for each child?							(1) Spot check children's health records for presence of height-weight data; hemoglobin and/or hematocrit data. Is the data on height and weight put on graphs? Spot check health records for evidence of consideration of nutritional status of child and handicapping conditions affecting food intake. Ask health coordinator, nurse, nutritionist or local medical consultant.
(2)	Information about family eating habits and special dietary needs and feeding problems, especially of handicapped children?							(2) Spot check parent-interview records for information relating to child's and families' special needs such as: - underdeveloped feeding skills - emotional problems - specific chronic conditions (allergy, diabetes, etc.) - cultural-ethnic background and food preferences - adequacy of resources: financial, equipment, fuel, transportation, etc. - adequacy of nutrition information concerned with feeding family Are other means than children's health records or parent interviews used to identify needs of children and families? Ask of nutritionist or health personnel.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(a)(3)	Information about major community nutrition problems?							(3) Check with nutritionist or health personnel on what nutrition problems are prevalent such as: - inaccessibility of food markets and transportation - unavailability of fluoridated water, enriched cereals, iodized salt, pasteurized milk - unavailability and inaccessibility to food and financial family assistance programs. Check how this information is used.
3-10(b)(1)	Does every child in a part-day program receive a quantity of food in meals (preferably hot) and snacks which provides at least 1/3 of daily nutritional needs with consideration for meeting any special needs of children, including the child with a handicapping condition?							(1&2) Review posted menus and past menus for - meals and snacks served appropriate to the number of hours children are at center - following of OCD meal pattern in performance standard guidance - use of good to excellent source of Vitamin C daily - use of dark green leafy or yellow vegetable every other day - desserts are integral part of meals used to supply nutrients other than just calories

HEALTH SERVICES, NUTRITION - PROGRAM OPERATIONS

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								(1 and 2)
3-10(b)(2)	Does every child in a full-day program receive snack(s) lunch, and other meals as appropriate which will provide 1/2 to 2/3 of daily nutritional needs depending on the length of the program?							Check supplies for use of - enriched or whole gain bread, cereals - iodozed salt - full strength fruit juices If breakfast is used as the main meal instead of lunch, the breakfast would need to be very substantial using a protein-rich food and a snack containing milk in addition to other foods suggested in snack pattern to meet 1/3 the needs of the child. To meet 2/3 the child's nutrient needs will necessitate the feeding of lunch or supper pattern plus 2 well-planned snacks that contribute milk in one of them. Spot check with food service personnel on records or prescriptions for special dietary needs of specific children. Ask role of program nutritionist in assuring menu adequacy and in meeting of special dietary needs. Spot check adequacy of food expenditures to meet food needs for children and adults.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(b)(3)	Are all children in morning programs who have not received breakfast at the time they arrive at the Head Start program served a nourishing breakfast?							(3) Ask food service personnel and/or nutritionist how many children receive breakfast and how the need is determined. Spot check other records or talk to parent, social worker and nutritionist for indications that other children may need breakfast such as: - extremely low income family - parents working very late or very early hours - children traveling long distance to center - history of the child being hungry or physical evidence of undernutrition.
3-10(b)(4)	Do the kinds of food served conform to minimum standards for meal patterns?							(4) Crosscheck with Performance Standard Guidance and spot check menu patterns for compliance.
(5)	Do the quantities of food served conform to recommended amounts indicated in OCD Head Start guidance materials?							(5) Observe a sampling of centers at mealtime to see if sufficient food is available for children to have seconds as well as average size first portions for their age. (See Guidance for portion sizes.)

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(b)(6)	Are meal and snack periods scheduled appropriately to meet children's needs and posted along with menus; e.g., breakfast must be served at least 2 1/2 hours before lunch, and snacks must be served at least 1 1/2 hours before lunch or supper?							(6) Check kitchen, diningroom, bulletin board for posted menu. Spot check meal and snack schedule to see if: - programs of 3 hours duration serve snack and meal. If all children receive breakfast, the snack should be omitted in a 3 hour program. 1 1/2 - 2 hours interval is suggested between snack and meal and 2 1/2 -3 hours between breakfast and lunch. Is any time allowed after lunch for brushing teeth, handwashing, etc.? - programs of 4 1/2 - 5 hours duration serve 2 snacks and meal or 2 meals and a snack appropriately spaced. - longer programs may need to serve 2 meals and 2 snacks.
3-10(c)	Do the nutrition services contribute to the development and socialization of the children by providing that:							
(1)	A variety of foods which broaden the child's food experience in addition to those that consider cultural and ethnic preferences is served?							(1) Spot check menus for - introduction of new foods and old foods prepared new ways - serving of cultural and ethnic foods - variety in color, flavor, texture, etc.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(c)(2)	Food is not used as punishment or reward, and that children are encouraged but not forced to eat or taste?							(2) thru (7) Observe and participate in mealtime at a sampling of centers: (2) Check that food is not used as punishment or reward including - some food is not withheld until other is eaten - dessert is a part of the total meal and not a reward
(3)	The size and number of servings of food reflect consideration of individual children's needs?							(3) Note whether: - individual appetites are considered - portion sizes may vary and are appropriate to children for easy eating, bite size and include finger foods.
(4)	Sufficient time is allowed for children to eat?							(4) Note whether the meal is unrushed (about 30 minutes).
(5)	Chairs, tables, and eating utensils are suitable for the size and developmental level of the children with special consideration for meeting the needs of children with handicapping conditions?							(5) Observe whether: - chair size allows for the child's feet to be on the floor - the table size is in relation to the child and chair and allows the child to be able to easily cut food and eat - children have access to knives, forks and spoons - glasses are small enough for the child to grasp easily - any needed modification or purchase of equipment has been done to meet any special eating needs of the child with a handicapping condition

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(c)(6)	Children and staff, including volunteers, eat together sharing the same menu and a socializing experience in a relaxed atmosphere?							(6) Look for: - interactions between children and adults - children and children to promote socialization - adults eating with children and same food - adults attitudes as model for children
(7)	Opportunity is provided for the involvement of children in activities related to meal service. (For example: family style service)?							(7) Note: - child's participation in food service and mealtime activities -- serving, cleaning up, setting table, etc. and ask cook about children's participation in mealtime food preparation activities
3-10(d)	Does the organized nutrition education program for staff, parents and children assure that							(d) Ask nutritionist, sampling of parents and staff about nutrition education program for administrative staff, teaching staff, food service staff, and parents. Check schedules and mechanisms for delivery of nutrition education.
(1)	Meal periods and food are used as an integral part of the total education program?							(1) Participate in a sampling of visits at mealtime and check that mealtime and snacktime are used to develop good food habits. Spot check menus to see if classroom food preparation and food related activities are coordinated with mealtime.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(d)(2)	Children participate in learning activities planned to effect the selection and enjoyment of nutritious food?							(2) Spot check teacher's lesson plans for food-related activities for children toward selection and enjoyment of a wide variety of nutritious foods. Spot check nutrition education materials in use in classroom activities. Are they appropriate to be used with preschool children?
(3)	Families receive education in the selection and preparation of foods to meet family needs, guidance in home and money management and help in consumer education so that they can fulfill their major role and responsibility for the nutritional health of the family?							(3) Ask nutritionist if content was developed with parents and are based on needs identified through parent interview and knowledge of community nutrition problems. Spot check nutrition education materials for appropriateness: - identified needs of group - cultural, ethnic, educational background - economic limitations Ask sampling of parents if nutrition education program meets their needs.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(d)(4)	All staff, including administrative, receive education in principles of nutrition and their application to child development and family health and ways to create a good physical, social and emotional environment which supports and promotes development of sound food habits and their role in helping the child and family to achieve adequate nutrition?							(4) Is nutrition education for staff designed to meet their specific responsibilities for nutrition component in addition to improving their own nutrition? Is it part of total staff training and orientation program? Ask nutritionists and Head Start personnel.
3-10(e)	Are parents and appropriate community agencies involved in planning, implementing, and evaluating the nutrition services such as:							(e) Spot check with classroom staff and with food service staff on opportunities for parent involvement. Spot check volunteer records for frequency and type of parent involvement. Interview a sampling of parents for opportunities for involvement and communication on nutrition activities. Check with nutritionist on use of community resources for nutrition services.
(1)	The Policy Council or Committee and the Health Services Advisory Committee have opportunity to review and comment on the nutrition services;							(1) Check with the Policy Committee and HSAC on input into written plan and other roles. Check minutes of meetings.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(e)(2)	The nutritional status of the children is discussed with the parents;							(2) Spot check children's folders for record of interview with parents on child's nutritional status related to height-weight, eating skills, etc., and for any counseling on special needs. Ask teachers, sampling of parents and nutritionist.
(3)	Information about menus and nutrition activities is shared regularly with parents;							(3) Ask how this was done and how often of sampling of teachers and parents and nutritionist.
(4)	Parents are informed of the benefits of food assistance programs; and							(4) Check with the social services for indication of referrals of families to community agencies for food assistance. Ask social service what proportion of eligible families are participating in food assistance programs.
(5)	Community agencies are enlisted to assist eligible families participate in food assistance programs?							(5) Ask sampling of parents if community agencies are providing the help they need.
3-10(f)	Is there compliance with applicable local, state and federal sanitation laws and regulations for food service operations including:							(f) Spot check for current licensing and inspection certificates and posting of such.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(f)	- standards for storage, preparation and service of food?							In absence of inspection by a government agency, what documented evidence of compliance is there? Ask nutritionist or Head Start Director. Are all violations being corrected? Ask nutritionist and Head Start Director.
	- health of food handlers?							Check the current food handler's health certificate and posting of such.
	- and for posting of evidence of such compliance?							
	Do vendors and caterers supplying food and beverages comply with similar applicable laws and regulations?							Check documented evidence for compliance of sanitation standards by caterers and food vendors.
3-10(g)	Is there direction of the nutrition services by a qualified full-time staff nutritionist or periodic and regularly scheduled supervision by a qualified nutritionist or dietition as defined in the Head Start Guidance material?							(g) Check with the Head Start Director for name of person, qualifications, frequency of service, type of service. Ask to see job description. Interview nutritionist for role and frequency. Interview teachers, parents and food service personnel on role of nutritionist.
	Do all nutrition services staff receive preservice and in-service training as necessary to demonstrate and maintain proficiency in menu planning, food purchasing, food preparation and storage, and sanitation and personal hygiene?							Spot check personnel folders for record of performance evaluation and type of individualized training planned. Does this relate to job responsibilities, previous experience and qualifications?

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
3-10(g)								Ask cooks if they feel they are getting type of training needed. Observe food preparation. Does planned training seem consistent with needs seen? Taste and look at food served. Does planned training relate to production of high quality food appropriate to needs of children?
3-10(h)	Is there an established system for the maintenance of records covering: - nutrition services budget? - expenditures for food?							(h) Check for accessibility and orderliness of records. Check nutrition services expenditures and budget for inclusion of food costs (adults and children) food service and nutrition staff, equipment and nutrition education materials and supplies for children and parent activities and staff training.
	- menus utilized?							Spot check written menus for indication that substitutions are noted.
	- number and types of meals served daily with separate recordings for children and adults?							Check for record of daily meal counts - adults and children.
	- inspection reports made by health authorities?							Check for records of violations and inspection certificates.
	- recipes?							Are standardized recipes based on numbers of children served used?

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(h)	- Other information deemed necessary for efficient operation?							Spot check adequacy of inventory and purchasing records. Check accounting of expenditure of OCD monies made available by use of USDA reimbursement. Is priority use given to maintenance of a high quality nutrition component?

HEALTH SERVICES - NUTRITION
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
Needs Identification	1304.3-10(a)(1)				
	(2)				
	(3)				
Provision of Food	1304.3-10(b)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
Developmental Social Needs	1304.3-10(c)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
	(6)				
	(7)				

HEALTH SERVICES - NUTRITION (Cont'd)

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non Compliance	Compliance	Non-Compliance
Nutrition Education	1304.3-10(d)(1)				
	(2)				
	(3)				
	(4)				
Parent Community Involvement	1304.3-10(e)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
Sanitation and Compliance	1304.3-10(f)				
Staff and Training	1304.3-10(g)				
Record Keeping	1304.3-10(h)				

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated and/or revised)?							Check written plan and interview specialist responsible for component. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview several members.
1-4	Does the plan provide that the Head Start program covered thereby meets or exceeds the performance standard as required for:							Compare contents of written plan against requirements specified in each performance standard and its parts and subitems.
	4-2(a)(1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(6)							
	(7)							
	(8)							
	(9)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	4-2 (b) (1)							
	(2)							
	(3)							
	(4)							
	(5)							
	(c)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
4-2(a)	Are established procedures used for:							
(1)	Recruitment of children taking into account the demographic make-up of the community and the needs of children and families?							(1) Interview Social Services staff to determine if such procedures exist, and if so, what methods are used to implement the procedures.
(2)	Recruitment of handicapped children?							(2) Ask Head Start staff about procedures to recruit handicapped children. Review enrollment files for consistency with HEW-OCD requirements. (10% of slots)
(3)	Providing or referral for appropriate counseling?							(3) Review Social Services records reflecting referrals or provision for appropriate counseling. Interview Social Service staff.
(4)	Emergency assistance or crisis intervention?							(4) Interview Social Service staff to determine what procedures program has for handling emergency assistance or crisis intervention. Review records for incidences of this.
(5)	Furnishing information about available community resources and how to use them?							(5) Interview Social Services staff to determine how this is accomplished. Interview parents to learn their familiarity with community services.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
4-2(a)(6)	Follow-up to assure delivery of needed assistance?							(6) Interview Social Services staff; review records for incidences of this. Ask what procedures are followed - time frame, etc.
(7)	Establishing a role of advocacy and spokesman for Head Start families?							(7) Ask how program staff does this. Ask if there is a procedure. Interview Head Start staff, grantee staff and parents
(8)	Contacting parents or guardian of child with irregular attendance, or who, has been absent four (4) consecutive days?							(8) Ask Social Services staff what is procedure for handling this situation. Review records for documentation of problem and action taken.
(9)	Identification of the social service needs of Head Start families and working with other community agencies to develop programs to meet those needs?							(9) Interview Social Services staff to determine how this is done. Ask what procedures are there for working with other community agencies to develop needed services. If there are such procedures ask what staff person is involved and responsible for this activity.
4-2(b)	Is there close cooperation with existing community resources for the purpose of:							
(1)	Helping Head Start parent groups work with other neighborhood and community groups with similar concerns;							(1) Interview parents and staff to determine if parents are assisted to work with other community groups having similar concerns as Head Start; i.e., Day Care, Child Care, 4-C programs.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
4-2(b)(2)	Communicating to other community agencies the needs of Head Start families, and ways of meeting these needs;							(2) Ask staff if this is done, and who is responsible for doing it. Review any records or documents substantiating this activity.
(3)	Helping to assure better coordination, cooperation and information sharing with community agencies;							(3) Use same approach as (2) above.
(4)	Calling attention to the inadequacies of existing community services, and assisting in improving the available services, or bringing in new services, and							(4) Ask staff what mechanism is used to bring this about, i.e., Inter-agency committees, joint agency staff meetings, communication with local government officials, etc.
(5)	Preparing and making available a community resource list to Head Start staff and families?							(5) Interview Parent Coordinator, Director, and Social Services staff, and ask if this is routinely done for all enrolled families. Also ask if this list is ever updated. Find out who is responsible for developing such a list, and is there an opportunity for parents to ask questions about these resources. Ask if staff provides interpretation of resource list to parents.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 4-2(c)	Are there complete and up-to-date records of family data including:							
	- complete enrollment forms?							(c) Spot check families records for enrollment forms.
	- referral and follow-up reports?							Review records for referral and follow-up reports. Interview staff.
	- reports of contacts with other agencies?							Review records for contacts with other agencies, including follow-up.
	- reports of contacts with families?							Review records for current or recent contacts with families. Observe quality and substance of reports.
	Are confidentiality of records maintained?							Ask staff what safeguards there are for assuring confidentiality of family records. Ask how long files are kept of individual families and whether or not files are destroyed after a certain number of years.

SOCIAL SERVICES
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
Recruitment	1304.4-2(a)(1)				
	(2)				
Family Services	(3)				
	(4)				
	(5)				
	(6)				
	(7)				
	(8)				
	(9)				
Community Resources Cooperation	1304.4-2(b)(1)				
	(2)				
	(3)				
	(4)				
	(5)				
Records	1304.4-2(c)				

PARENT INVOLVEMENT - WRITTEN PLAN

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	Is there a current written plan (annually updated or revised)?							Check the written plan and interview specialist responsible for component. Note date of revision or update.
1-4	Is there evidence of advice and concurrence of Policy Council or Policy Committee in developing the plan?							Review minutes of Council or Committee and interview several members.
1-4	Does the plan provide that the Head Start program covered thereby meets or exceeds the performance standards as required for:							Compare contents of written plan against requirement specified in each performance standard and its parts and sub-items.
	5-2(b)							
	5-3(a)							
	(b)							
	(c)							
	(d)							
	(e)							
	(f)							
	(g)							
	5-4(a)							
	(b)(1)							
	(2)							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
1-4	5-4(b)(3)							
	(4)							
	(c)							
	5-5 (1)							
	(2)							
	(3)							

PARENT INVOLVEMENT - PROGRAM OPERATIONS

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-2(a)	Does the program comply with the basic parent participation policy contained in Appendix B of CFR 1304, namely: Is there parent participation -in the process of decision making about nature and operation of program? -in the classroom as paid employees, volunteers or observers? -program activities which they have helped to develop? -working with their children in cooperation with staff at center?							(a) Attend Policy Committee-Council meeting. Interview parents on Committee-Council. Review Committee-Council meeting minutes. Interview Head Start Director. Observe classroom activities. Interview parents and teachers. Check volunteer attendance records. Interview parents, Parent Coordinator to determine that these opportunities exist. Observe parent-child interaction activities. Interview parents, different staff to determine whether or not opportunities exist for parents to work with their children.
5-2(b)	Is participation of Head Start parents voluntary and not required as a condition of the child's enrollment?							(b) Interview Head Start Director, Parent Coordinator, parents.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-3	Does the parent involvement program adequately provide methods and opportunities for enhancing parents' "parenting" skills such as:							
(a)	Experiences and activities which lead to enhancing the development of their skills, self-confidence, and sense of independence in fostering an environment in which their children can develop to their full potential?							(a) Observe parent education activities, group meetings, parent-child interaction activties. Interview parents, Head Start staff. Check Parent Involvement Plan in recent program proposal. Request list of parent involvement opportunities for parents.
(b)	Experiences in child growth?							(b) Observe instructions being offered to parents individually or in groups. Interview parents, Parent Coordinator, teachers; inquire about outside training for parents, and who might conduct such training. Interview outside resource people, consultants, trainers.
(c)	Ways of providing educational and developmental activities for children in the home and community?							(c) Request permission to visit a parent's home with staff. Observe activities in home with child. Interview parents, home visitor. Review any written reports on these activities.

PARENT INVOLVEMENT - PROGRAM OPERATIONS

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-3(d)	Health, mental health, dental and nutritional education?							(d) Interview parents Health Coordinator, Parent Coordinator, Nutritionist. Observe Health-Nutrition Education activities for parents in center or outside of center. Review any written reports on these activities.
(e)	Identifiction, and use of family and community resources to meet the basic life support needs of the family?							(e) Interview parents. Request any information provided to parents about family and community resources from staff or other source. Is there a prepared resource list for parents?
(f)	Identification of opportunities for continuing education which may lead towards self-enrichment and employment?							(f) Interview parents. Inquire about G.E.D. or other adult education activities stimulated by Head Start program. Review most current program proposal for any plan to involve parents in continuing education opportunities. Review resource list.
(g)	Meeting with the Head Start teachers and other appropriate staff for discussion and assessment of their children's individual needs and progress?							(g) Observe parent-staff partnership activities. Interview parents and staff to find out frequency of parent-staff discussions. Review records.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-4(a)	Is there two-way communication between staff and parents carried out on a regular basis throughout the program year which provides information about: - the program and its services? - program activities for the children? - the policy groups? - resources within the program and the community?							(a) Interview parents, staff. Inquire about parent-staff meetings, orientation meetings. Observe such meetings. Ask parents if they have received written information and orientation concerning the Parent Involvement Performance Standards. Ask Head Start Director whether or not the program provides parents with this written information and orientation.
	Are communications designed and carried out in a way which reaches parents and staff effectively?							Interview appropriate grantee staff, Head Start Director. Inquire about a newsletter. Ask if Head Start parents (other than Policy members) are encouraged to attend Policy Committee-Council meetings.
	Do policy groups, staff and parents participate in the planning and development of the communication system used?							Interview policy group members, parents, staff about the system.

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-4(b)	Is there a system for the regular provision of information to members of Policy Groups? The purpose of such communication is to enable the policy group to make informed decisions in a timely and effective manner, to share professional expertise, and generally to be provided with staff support. At a minimum, information provided will include:							(b) Interview Policy Group members, parents, staff, grantee staff. Review Policy Committee-Council minutes. Review any plan that would encompass these procedures.
(1)	Timetable for planning, development, and submission of proposals;							
(2)	Head Start policies, guidelines, and other communications from the Office of Child Development.							
(3)	Financial reports and statement of funds expended in the Head Start account; and							
(4)	Work plans, grant applications, and personnel policies for Head Start.							

Column 1	Column 2	Column 3		Column 4	Column 5		Column 6	Column 7
Cross Reference Part 1304	Individual Specific Policy	Delegate Agency or Grantee in Compliance Yes	No	Delegate Agency or Grantee Reasons for Non-Compliance	OCD In Compliance Yes	No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section								
5-4(c)	Does the entire Head Start staff share responsibility for providing assistance in the conduct of the above activities?							(c) Interview Parent Coordinator, Head Start Director, other staff.
	In addition, do Health Services, Education, and Social Services staff contribute their direct services to assist the Parent Involvement staff. If staff resources are not available, are the necessary resources sought within the community?							Interview Parent Coordinator, Head Start Director, other staff to determine whether or not Health Services, Education, and Social Services staff contribute their direct services to assist the Parent Involvement staff.
5-5 (1)	Are effective procedures established by which parents and area residents concerned will be enabled to influence the character of programs affecting their interests?							(1) Interview parents. Review plans for establishing such procedures. Interview Parent Coordinator.
(2)	Is there regular participation by parents in the implementation of such programs?							(2) Interview parents, Parent Coordinator.
(3)	Is technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private source provided?							(3) Interview parents, Parent Coordinator, Head Start Director.

PARENT INVOLVEMENT
Performance Summary

Please indicate the compliance status with individual performance standards.

	Performance Standard Number	Delegate Agency or Grantee		Office of Child Development	
		Compliance	Non-Compliance	Compliance	Non-Compliance
Written Plan	1304.1-4				
Policy	1304.5-2(a)				
	(b)				
Developing Parenting Skills	1304.5-3(a)				
	(b)				
	(c)				
	(d)				
	(e)				
	(f)				
	(g)				
Parent-Staff Communications	1304.5-4(a)				
	(b)(1)				
	(2)				
	(3)				
	(4)				
	(c)				

PARENT INVOLVEMENT - (Cont'd)

	Performance Standard Number		Delegate Agency or Grantee		Office of Child Development	
			Compliance	Non-Compliance	Compliance	Non-Compliance
Parent Program	1304.5-5	(1)				
		(2)				
		(3)				

[FR Doc.76-19108 Filed 6-30-76;8:45 am]

federal register

THURSDAY, JULY 1, 1976



PART IV:

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

■

APPORTIONMENT OF CAPITAL AND OPERATING ASSISTANCE FUNDS

Transition Quarter and FY 1977 Formula

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

FORMULA APPORTIONMENT OF CAPITAL AND OPERATING ASSISTANCE FUNDS

Transition Quarter and FY 1977 Formula Apportionment

A program of Federal assistance to urban mass transportation systems through grants on a formula basis for use by recipients for capital or operating assistance was enacted on November 26, 1974. The program, section 5 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1604), as amended by section 103(a) of Pub. L. 93–503 (88 Stat. 1565; November 26, 1974), was established pursuant to the National Mass Transportation Assistance Act of 1974. An aggregate amount of $3.975 billion is authorized for this program for fiscal years 1975 through 1980.

The purpose of this Notice is to provide a formal list of amounts apportioned to urbanized areas in fiscal years 1975 and 1976, amounts to be apportioned on July 1, 1976 for the Transition Quarter (TQ), and an estimation of those amounts to be made available in fiscal year 1977. In fiscal year 1975 nearly $300 million was made available and in fiscal year 1976 an additional $500 million was made available. The Transition Quarter and fiscal year 1977 apportionments will be $125 million and $650 million, respectively. These amounts are available for programming in the Transportation Improvement Program's developed in accordance with 23 CFR 450 subpart C and for subsequent filing of individual section 5 project applications.

These apportioned funds remain available for obligation for two fiscal years following the year in which they are apportioned, thus fiscal year 1975 funds remain available through September 30, 1977. For urbanized areas with a population of 200,000 persons or more this notice provides the formula factor weight and individual amounts for each apportionment. For urbanized areas with a population of under 200,000 persons, this notice provides the formula factor weight, but aggregates the amounts as an apportionment to the Governor of each State.

The factor weight is computed in accordance with the section 5 formula described in an attachment to this Notice. The attachment also describes the rounding procedure used to assure that all funds are apportioned. If changes to the basic formula data are reported to UMTA by the United States Bureau of the Census, appropriate changes are made to the factor weights with respect to all apportionments subsequent to the reporting of the changes. This procedure has resulted in a change to the Transition Quarter factor weights. As a result, the FY 1977 allocation estimates in this Notice are intended as a guide and are subject to such corrections prior to October 1, 1976. An additional change is reflected in amounts in this Notice for FY 1975 and FY 1976 due to notification by the Bureau of the Census of the addition of Clarksville, Tennessee-Kentucky to the original urbanized areas listing. Amounts to be made available in subsequent fiscal years will be made known through notification in the FEDERAL REGISTER.

Issued: June 24, 1976.

ROBERT E. PATRICELLI,
Administrator,
Urban Mass Transportation.

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
AKRON, OHIO	.003715166	1,114,549	1,857,583	.003714963	464,371	2,414,726
ALBANY-SCHENECTADY-TROY, NY	.003613054	1,083,916	1,806,528	.003612859	451,608	2,348,359
ALBUQUERQUE, N.MEX	.002015507	604,652	1,007,754	.00201539	251,925	1,310,008
ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	.002870612	861,183	1,435,307	.002870458	358,808	1,865,799
(PART:NEW JERSEY)	.000202308	60,692	101,155	.000202297	25,288	131,494
(PART:PENNSYLVANIA)	.002668304	800,491	1,334,152	.002668161	333,520	1,734,305
ATLANTA, GA.	.008062327	2,418,698	4,031,164	.008061889	1,007,737	5,240,228
AURORA-ELGIN, ILL	.001681841	504,552	840,921	.001681750	210,219	1,093,138
AUSTIN, TEX	.001923474	577,042	961,738	.001923370	240,422	1,250,191
BALTIMORE, MD.	.014766851	4,430,055	7,383,426	.014766068	1,845,759	9,597,944
BATON ROUGE, LA	.001779788	533,936	889,894	.001779691	222,462	1,156,800
BIRMINGHAM, ALA.	.003715702	1,114,710	1,857,851	.003715499	464,438	2,415,075
BOSTON, MASS.	.021767057	6,530,117	10,883,529	.021765891	2,720,737	14,147,828
BRIDGEPORT, CONN	.002876531	862,959	1,438,266	.002876374	359,547	1,869,644
BUFFALO, N.Y.	.010136739	3,041,021	5,068,370	.010136201	1,267,026	6,588,531
CANTON, OHIO	.001796760	539,027	898,380	.001796662	224,583	1,167,831
CHARLESTON, S.C.	.001477690	443,307	738,846	.001477610	184,702	960,447
CHARLOTTE, NC.	.001906998	572,099	953,500	.001906895	238,362	1,239,482
CHATANOOGA, TENN-GA.	.001357850	407,354	678,925	.001357775	169,722	882,555
(PART:GEORGIA)	.000177769	53,330	88,885	.000177759	22,220	115,544
(PART:TENNESSEE)	.001180080	354,024	590,040	.001180016	147,502	767,010
CHICAGO, ILL., NORTHWESTERN INDIANA	.063826205	19,147,861	31,913,103	.063822825	7,977,854	41,484,830
(PART:ILLINOIS)	.060314300	18,094,291	30,157,152	.060311112	7,538,890	39,202,217
(PART:INDIANA)	.003511901	1,053,570	1,755,951	.003511709	438,964	2,282,611

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
CINCINNATI, OHIO - KY.	.008339362	2,501,808	4,169,682	.008338913	1,042,365	5,420,295
(PART:KENTUCKY)	.001395930	418,779	697,966	.001395854	174,482	907,306
(PART:OHIO)	.006943432	2,083,029	3,471,716	.006943058	867,883	4,512,988
CLEVELAND, OHIO	.014151851	4,245,555	7,075,926	.014151085	1,768,886	9,198,205
COLORADO SPRINGS, COLO.	.001319110	395,733	659,555	.001319038	164,880	857,375
COLUMBIA, SC.	.001573956	472,186	786,979	.001573870	196,734	1,023,016
COLUMBUS, GA.-ALA.	.001277258	383,177	638,628	.001277187	159,649	830,173
(PART:ALABAMA)	.000137954	41,386	68,977	.000137946	17,244	89,666
(PART:GEORGIA)	.001139304	341,791	569,651	.001139241	142,405	740,507
COLUMBUS, OHIO	.005977257	1,793,177	2,988,629	.005976935	747,117	3,885,009
CORPUS CHRISTI, TEX.	.001230626	369,187	615,313	.001230558	153,820	799,863
DALLAS, TEX.	.008226389	2,467,916	4,113,195	.008225937	1,028,243	5,346,860
DAVENPORT-ROCK ISLAND-MOLINE, IOWA-ILL	.001706967	512,090	853,484	.001706873	213,360	1,109,469
(PART:ILLINOIS)	.000948906	284,671	474,454	.000948855	118,607	616,756
(PART:IOWA)	.000758060	227,418	379,030	.000758018	94,753	492,712
DAYTON, OHIO	.004972060	1,491,617	2,486,030	.004971791	621,474	3,231,664
DENVER, COLO	.008147720	2,444,316	4,073,861	.008147282	1,018,411	5,295,734
DES MOINES, IOWA	.001666425	499,927	833,213	.001666334	208,292	1,083,118
DETROIT, MICH	.034871087	10,461,326	17,435,544	.034869230	4,358,654	22,664,997
EL PASO, TEX	.002365034	709,510	1,182,518	.002364906	295,614	1,537,189
FLINT, MICH	.002516730	755,019	1,258,366	.002516595	314,575	1,635,787
FORT LAUDERDALE-HOLLYWOOD, FLA.	.004343807	1,303,142	2,171,904	.004343572	542,947	2,823,322
FORT WAYNE, IND.	.001679443	503,833	839,722	.001679353	209,920	1,091,580
FORT WORTH, TEX.	.003966571	1,189,971	1,983,286	.003966352	495,794	2,578,129

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
FRESNO, CALIF	.001976999	593,099	988,500	.001976892	247,112	1,284,980
GRAND RAPIDS, MICH	.002321768	696,530	1,160,885	.002321641	290,207	1,509,067
HARRISBURG, PA	.001747807	524,342	873,904	.001747713	218,465	1,136,014
HARTFORD, CONN	.003610860	1,083,258	1,805,431	.003610666	451,334	2,346,933
HONOLULU, HAWAII	.003564412	1,069,323	1,782,206	.003564221	445,528	2,316,743
HOUSTON, TEX.	.012256819	3,677,045	6,128,410	.012256156	1,532,020	7,966,502
INDIANAPOLIS, IND	.005180487	1,554,146	2,590,244	.005180203	647,526	3,367,132
JACKSONVILLE, FLA.	.002994303	898,290	1,497,152	.002994137	374,268	1,946,189
KANSAS CITY, MO. - KANS.	.007051344	2,115,403	3,525,673	.007050958	881,370	4,583,124
(PART:KANSAS)	.002361865	708,559	1,180,933	.002361737	295,218	1,535,129
(PART:MISSOURI)	.004689479	1,406,844	2,344,740	.004689221	586,152	3,047,994
LANSING, MICHIGAN	.001679463	503,838	839,732	.001679372	209,922	1,091,592
LAS VEGAS, NEV	.001446412	433,923	723,206	.001446332	180,792	940,116
LAWRENCE-HAVERHILL, MASS-N.H.	.001310376	393,112	655,187	.001310304	163,789	851,699
(PART:MASSACHUSETTS)	.001212134	363,640	606,067	.001212068	151,509	787,844
(PART:NEW HAMPSHIRE)	.000098242	29,472	49,120	.000098236	12,280	63,854
LITTLE ROCK-NORTH LITTLE-ROCK, ARK.	.001448052	434,415	724,025	.001447973	180,997	941,183
LOS ANGELES -- LONG BEACH	.079864399	23,959,319	39,932,200	.079860171	9,982,522	51,909,102
LOUISVILLE, KY.-IND.	.005704391	1,711,317	2,852,196	.005704084	713,011	3,707,655
(PART:INDIANA)	.000577053	173,116	288,527	.000577022	72,128	375,065
(PART:KENTUCKY)	.005127337	1,538,201	2,563,669	.005127062	640,883	3,332,590
MADISON, WIS.	.001473638	442,091	736,818	.001473558	184,195	957,813
MEMPHIS, TENN. - MISS.	.005042038	1,512,611	2,521,019	.005041766	630,221	3,277,149
(PART:MISSISSIPPI)	.000065919	19,775	32,959	.000065915	8,240	42,845
(PART:TENNESSEE)	.004976119	1,492,836	2,488,060	.004975851	621,981	3,234,303

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
MIAMI, FLA.	.010914489	3,274,346	5,457,245	.010913909	1,364,239	7,094,041
MILWAUKEE, WIS.	.008671847	2,601,554	4,335,924	.008671376	1,083,923	5,636,395
MINNEAPOLIS - ST. PAUL	.011134050	3,340,214	5,567,025	.011133441	1,391,681	7,236,737
MOBILE, ALA	.001463798	439,139	731,899	.001463717	182,965	951,416
NASHVILLE-DAVIDSON, TENN	.002442463	732,738	1,221,232	.002442327	305,291	1,587,513
NEW HAVEN, CONN	.002591518	777,455	1,295,760	.002591378	323,923	1,684,396
NEW ORLEANS, LA.	.009112177	2,733,652	4,556,089	.009111694	1,138,962	5,922,601
NEWPORT NEWS-HAMPTON, VA	.001617093	485,127	808,547	.001617004	202,126	1,051,053
NEW YORK, N.Y., NORTHEASTERN N.J.	.177799223	53,339,767	88,899,612	.177789895	22,223,737	115,563,412
(PART:NEW JERSEY)	.035558460	10,667,539	17,779,232	.035556538	4,444,568	23,111,747
(PART:NEW YORK)	.142240756	42,672,228	71,120,380	.142233349	17,779,169	92,451,660
NORFOLK - PORTSMOUTH, VA.	.004277488	1,283,246	2,138,745	.004277254	534,657	2,780,215
OKLAHOMA CITY, OKLA.	.003398474	1,019,542	1,699,238	.003398287	424,786	2,208,886
OMAHA, NEBR-IOWA	.003661649	1,098,494	1,830,825	.003661451	457,682	2,379,944
(PART:IOWA)	.000359415	107,824	179,708	.000359395	44,925	233,607
(PART:NEBRASKA)	.003302234	990,670	1,651,117	.003302056	412,757	2,146,336
ORLANDO, FLA	.001982030	594,608	991,015	.001981922	247,741	1,288,249
OXNARD-VENTURA-THOUSAND OAKS, CALIF	.001555705	466,711	777,853	.001555620	194,453	1,011,153
PEORIA, ILL	.001602372	480,711	801,186	.001602284	200,286	1,041,485
PHILADELPHIA, PA.--NEW JERSEY	.038602771	11,580,831	19,301,386	.038600728	4,825,091	25,090,471
(PART:NEW JERSEY)	.005480259	1,644,077	2,740,130	.005479962	684,996	3,561,975
(PART:PENNSYLVANIA)	.033122511	9,936,754	16,561,256	.033120764	4,140,095	21,528,494
PHOENIX, ARIZ	.005520090	1,656,027	2,760,046	.005519788	689,974	3,587,862
PITTSBURGH, PA.	.013447439	4,034,231	6,723,720	.013446711	1,680,839	8,740,362

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
PORTLAND, OREG. - WASH.	.006006607	1,801,982	3,003,304	.006006282	750,786	3,904,084
(PART:OREGON)	.005533679	1,660,106	2,766,842	.005533380	691,673	3,596,697
(PART:WASHINGTON)	.000472928	141,876	236,462	.000472902	59,113	307,387
PROVIDENCE-PAWTUCKET-WARWICK, R.I.-MASS.	.005926602	1,777,980	2,963,301	.005926282	740,786	3,852,084
(PART:MASSACHUSETTS)	.000404519	121,355	202,259	.000404497	50,563	262,923
(PART:RHODE ISLAND)	.005522083	1,656,625	2,761,042	.005521785	690,223	3,589,160
RICHMOND, VA.	.002942858	882,857	1,471,429	.002942698	367,838	1,912,754
ROCHESTER, N.Y.	.005018179	1,505,453	2,509,090	.005017911	627,239	3,261,642
ROCKFORD, ILL.	.001561130	468,339	780,565	.001561046	195,131	1,014,680
SACRAMENTO, CALIF.	.004290868	1,287,260	2,145,434	.004344134	543,017	2,823,687
SALT LAKE CITY, UTAH	.003248480	974,543	1,624,240	.003248303	406,038	2,111,397
SAN ANTONIO, TEX	.005921791	1,776,537	2,960,896	.005921472	740,185	3,848,958
SAN BERNADINO-RIVERSIDE, CALIF.	.003525125	1,057,537	1,762,563	.003524931	440,617	2,291,205
SAN DIEGO, CALIF.	.008794397	2,638,319	4,397,199	.008793922	1,099,241	5,716,050
SAN FRANCISCO - OAKLAND	.025730814	7,719,244	12,865,408	.025729442	3,216,181	16,724,135
SAN JOSE, CALIF. (INC)	.008104777	2,431,433	4,052,389	.008104342	1,013,043	5,267,823
SAN JUAN, P.R.	.010081345	3,024,403	5,040,673	.010080820	1,260,103	6,552,533
SCRANTON, PA.	.001273538	382,061	636,769	.001273468	159,184	827,755
SEATTLE-EVERETT, WASH	.008894300	2,668,290	4,447,151	.008893819	1,111,728	5,780,982
SHREVEPORT, LA	.001562158	468,647	781,080	.001562073	195,260	1,015,348
SOUTH BEND, IND-MICH	.002016712	605,013	1,008,356	.002016602	252,076	1,310,793
(PART:INDIANA)	.001876163	562,849	938,082	.001876061	234,508	1,219,440
(PART:MICHIGAN)	.000140549	42,164	70,274	.000140541	17,568	91,352
SPOKANE, WASH	.001638690	491,607	819,346	.001638601	204,826	1,065,091

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
SPRINGFIELD-CHICOPEE-HOLYOKE, MASS.-CONN.	.003254013	976,203	1,627,007	.003253835	406,730	2,114,994
(PART:CONNECTICUT)	.000384623	115,387	192,312	.000384602	48,076	249,992
(PART:MASSACHUSETTS)	.002869390	860,816	1,434,695	.002869232	358,654	1,865,001
ST. LOUIS, MO. - ILL.	.015637165	4,691,149	7,818,583	.015636329	1,954,542	10,163,614
(PART:ILLINOIS)	.002070552	621,165	1,035,276	.002070439	258,806	1,345,786
(PART:MISSOURI)	.013566609	4,069,984	6,783,307	.013565885	1,695,736	8,817,825
ST. PETERSBURG, FLA	.003601884	1,080,565	1,800,943	.003601689	450,212	2,341,098
SYRACUSE, NY	.003055157	916,547	1,527,579	.003054993	381,875	1,985,746
TACOMA, WASH	.002247673	674,301	1,123,837	.002247550	280,944	1,460,908
TAMPA, FLA	.002584185	775,255	1,292,093	.002584045	323,006	1,679,629
TOLEDO, OHIO-MICH	.003479117	1,043,735	1,739,559	.003478928	434,867	2,261,304
(PART:MICHIGAN)	.000064281	19,284	32,140	.000064277	8,035	41,781
(PART:OHIO)	.003414836	1,024,451	1,707,419	.003414651	426,832	2,219,523
TRENTON, NJ-PA	.002305991	691,797	1,152,996	.002305868	288,234	1,498,815
(PART:NEW JERSEY)	.002081352	624,406	1,040,677	.002081241	260,156	1,352,807
(PART:PENNSYLVANIA)	.000224638	67,391	112,319	.000224626	28,078	146,008
TUCSON, ARIZ	.002056839	617,051	1,028,420	.002056727	257,091	1,336,873
TULSA, OKLA	.002312298	693,689	1,156,150	.002312171	289,022	1,502,912
WASHINGTON, D.C. - MARYLAND - VIRGINIA	.022978783	6,893,634	11,489,392	.022977563	2,872,196	14,935,418
(PART:MARYLAND)	.007373766	2,212,132	3,686,888	.007373368	921,671	4,792,690
(PART:DISTRICT OF COLUMBIA)	.010444258	3,133,276	5,222,128	.010443717	1,305,465	6,788,416
(PART:VIRGINIA)	.005160754	1,548,226	2,580,376	.005160474	645,060	3,354,308
WEST PALM BEACH, FLA	.001803142	540,942	901,572	.001803043	225,381	1,171,979
WICHITA, KANS	.002134631	640,389	1,067,316	.002134515	266,815	1,387,435
WILKES-BARRE, PA.	.001533002	459,900	766,501	.001532918	191,615	996,397
WILMINGTON, DEL-NJ	.002813571	844,071	1,406,786	.002813419	351,678	1,828,724
(PART:DELAWARE)	.002689636	806,891	1,344,818	.002689491	336,187	1,748,169
(PART:NEW JERSEY)	.000123935	37,180	61,968	.000123928	15,491	80,554

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTION 5 APPORTIONMENTS TO URBANIZED AREAS OVER 200,000 POPULATION

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
WORCESTOR, MASS	.001760608	528,182	880,305	.001760513	220,065	1,144,334
YOUNGSTOWN-WARREN, OHIO	.002873579	862,073	1,436,790	.002873423	359,178	1,867,725

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTIION 5 APPORTIONENTS TO URBANIZED AREAS UNDER 200,000 POPULATION

PAGE-

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - ALABAMA						
HUNTSVILLE, ALA.	.000780954			.000780911		
MONTGOMERY, ALA	.000958873			.000958821		
TUSCALOOSA, ALA	.000525860			.000525832		
GADSEN, ALA.	.000363268			.000363247		
FLORENCE, ALA.	.000355141			.000355121		
ANNISTON, ALA.	.000336737			.000336719		
GOVERNORS APPORTIONMENT FOR ALABAMA	.003320833	996,248	1,660,414	.003320650	415,078	2,158,422
STATE - ALASKA						
ANCHORAGE, ALASKA	.000686119			.000686081		
GOVERNORS APPORTIONMENT FOR ALASKA	.000686119	205,835	343,059	.000686081	85,761	445,952
STATE - ARIZONA						
GOVERNORS APPORTIONMENT FOR ARIZONA	.0			.0		
STATE - ARKANSAS						
FORT SMITH, ARK-OKLA	.000396977			.000396955		
PINE BLUFF, ARK.	.000433225			.000433202		
TEXARKANA, TEX.-ARK.	.000138523			.000138515		
GOVERNORS APPORTIONMENT FOR ARKANSAS	.000968725	290,615	484,361	.000968672	121,084	629,636
STATE - CALIFORNIA						
BAKERSFIELD, CALIF.	.001280481			.001280412		
STOCKTON, CALIF.	.001222933			.001222867		
SANTA BARBARA, CALIF	.000999064			.000999011		
MODESTO, CALIF	.000772715			.000772673		
SEASIDE-MONTEREY, CALIF	.000753893			.000753853		
SANTA ROSA, CALIF	.000459852			.000459827		
SANTA CRUZ, CALIF	.000465225			.000465200		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - CALIFORNIA						
SALINAS, CALIF.	.000523551			.000523523		
ANTIOCH-PITTSBURG, CALIF.	.000408151			.000408129		
SIMI VALLEY, CALIF.	.000368012			.000367992		
GOVERNORS APPORTIONMENT FOR CALIFORNIA	.007253878	2,176,158	3,626,935	.007253486	906,683	4,714,765
STATE - COLORADO						
PUEBLO, COLO	.000772013			.000771971		
BOULDER, COLO.	.000624979			.000624946		
GOVERNORS APPORTIONMENT FOR COLORADO	.001396992	419,096	698,495	.001396918	174,615	907,996
STATE - CONNECTICUT						
STAMFORD, CONN.	.001263683			.001263614		
WATERBURY, CONN.	.001067113			.001067055		
NEW LONDON-NORWICH, CONN	.000834764			.000834718		
NEW BRITAIN, CONN	.000992433			.000992379		
NORWALK, CONN	.000719860			.000719821		
MERIDEN, CONN	.000545032			.000545002		
BRISTOL, CONN	.000436160			.000436136		
DANBURY, CONN.	.000356717			.000356697		
GOVERNORS APPORTIONMENT FOR CONNECTICUT	.006215761	1,864,723	3,107,877	.006215422	776,924	4,040,023
STATE - DELAWARE						
GOVERNORS APPORTIONMENT FOR DELAWARE	.0			.0		
STATE - DISTRICT OF COLUMBIA						
GOVERNORS APPORTIONMENT FOR DIST OF COLUMBIA	.0			.0		
STATE - FLORIDA						
MELBOURNE-COCOA, FLA.	.001042667			.001042610		

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTIION 5 APPORTIONENTS TO URBANIZED AREAS UNDER 200,000 POPULATION

PAGE-

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - FLORIDA						
SARASOTA-BRADENTON, FLA.	.001000568			.001000513		
PENSACOLA, FLA.	.001113421			.001113361		
DAYTONA BEACH, FLA	.000633107			.000633072		
TALLAHASSEE, FLA	.000528473			.000528444		
GAINESVILLE, FLA.	.000454882			.000454857		
FORT MYERS, FLA.	.000396896			.000396874		
LAKELAND, FLA.	.000441591			.000441567		
GOVERNORS APPORTIONMENT FOR FLORIDA	.005611606	1,683,478	2,805,799	.005611298	701,411	3,647,342
STATE - GEORGIA						
SAVANNAH, GA.	.001102008			.001101948		
AUGUSTA, GA-S.C.	.000880823			.000880775		
MACON, GA	.000854076			.000854030		
ALBANY, GA	.000496902			.000496875		
GOVERNORS APPORTIONMENT FOR GEORGIA	.003333809	1,000,140	1,666,903	.003333628	416,702	2,166,857
STATE - HAWAII						
GOVERNORS APPORTIONMENT FOR HAWAII	.0			.0		
STATE - IDAHO						
BOISE, IDAHO	.000603301			.000603269		
GOVERNORS APPORTIONMENT FOR IDAHO	.000603301	180,990	301,650	.000603269	75,409	392,124
STATE - ILLINOIS						
JOLIET, ILL.	.001089921			.001089862		
SPRINGFIELD, ILL	.000943335			.000943284		
CHAMPAIGN-URBANA, ILL	.000978253			.000978201		
DECATUR, ILL	.000683706			.000683669		
ALTON, ILL	.000622170			.000622136		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - ILLINOIS						
BLOOMINGTON-NORMAL, ILL.	.000533430			.000533401		
DUBUQUE, IOWA-ILL.	.000014397			.000014396		
GOVERNORS APPORTIONMENT FOR ILLINOIS	.004865212	1,459,559	2,432,603	.004864950	608.117	3,162,216
STATE - INDIANA						
EVANSVILLE, IND	.001099778			.001099719		
MUNCIE, IND	.000714082			.000714043		
TERRE HAUTE, IND	.000544902			.000544872		
ANDERSON, IND	.000485490			.000485463		
LAFAYETTE-WEST LAFAYETTE, IND	.000670531			.000670495		
GOVERNORS APPORTIONMENT FOR INDIANA	.003514782	1,054,432	1,757,388	.003514592	439,322	2,284,484
STATE - IOWA						
CEDAR RAPIDS, IOWA	.000830600			.000830554		
WATERLOO, IOWA	.000652036			.000652000		
SIOUX CITY, IOWA-NEBR.-S.DAK	.000498686			.000498658		
DUBUQUE, IOWA-ILL.	.000485795			.000485769		
GOVERNORS APPORTIONMENT FOR IOWA	.002467117	740,132	1,233,556	.002466981	308.372	1,603,537
STATE - KANSAS						
TOPEKA, KANS	.000881854			.000881806		
ST JOSEPH, MO-KANS	.000006371			.000006370		
GOVERNORS APPORTIONMENT FOR KANSAS	.000888224	266,467	444,111	.000888176	111.022	577,314
STATE - KENTUCKY						
HUNTINGTON-ASHLAND, W.VA-KY-OHIO	.000331897			.000331879		
LEXINGTON, KY.	.001310154			.001310084		
CLARKSVILLE, KY.-TENN.	.000085248			.000085244		
OWENSBORO, KY.	.000461829			.000461805		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - KENTUCKY						
GOVERNORS APPORTIONMENT FOR KENTUCKY	.002189129	656,737	1,094,562	.002189011	273,625	1,422,856
STATE - LOUISIANA						
MONROE, LA	.000581947			.000581915		
LAKE CHARLES, LA	.000601217			.000601184		
LAFAYETTE, LA	.000576912			.000576881		
ALEXANDRIA, LA	.000485369			.000485342		
GOVERNORS APPORTIONMENT FOR LOUISIANA	.002245446	673,632	1,122,721	.002245323	280,665	1,459,459
STATE - MAINE						
PORTLAND, MAINE	.000647180			.000647144		
LEWISTON-AUBURN, MAINE	.000331998			.000331980		
GOVERNORS APPORTIONMENT FOR MAINE	.000979178	293,752	489,588	.000979124	122,391	636,430
STATE - MARYLAND						
GOVERNORS APPORTIONMENT FOR MARYLAND	.0			.0		
STATE - MASSACHUSETTS						
LOWELL, MASS.	.001302563			.001302493		
BROCKTOWN, MASS.	.001044491			.001044435		
FALL RIVER, MASS.-R.I.	.000956134			.000956082		
NEW BEDFORD, MASS	.001093302			.001093244		
FITCHBURG-LEOMINSTER, MASS	.000423193			.000423170		
PITTSFIELD, MASS.	.000351219			.000351199		
GOVERNORS APPORTIONMENT FOR MASSACHUSETTS	.005170903	1,551,268	2,585,448	.005170623	646,326	3,360,904
STATE - MICHIGAN						
ANN ARBOR, MICH.	.001461414			.001461336		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - MICHIGAN						
KALAMAZOO, MICH.	.000948476			.000948424		
SAGINAW, MICH.	.001119860			.001119800		
MUSKEGON-MUSKEGON HEIGHTS, MICH	.000653440			.000653404		
JACKSON, MICH	.000498253			.000498226		
BAY CITY, MICH	.000559749			.000559718		
BATTLE CREEK, MICH	.000520469			.000520440		
GOVERNORS APPORTIONMENT FOR MICHIGAN	.005761660	1,728,493	2,880,825	.005761348	720,165	3,744,875
STATE - MINNESOTA						
DULUTH-SUPERIOR, MINN.-WIS	.000584467			.000584435		
FARGO-MOORHEAD, N. DAK.-MINN	.000241991			.000241978		
LA CROSSE, WIS.-MINN.	.000017405			.000017404		
ROCHESTER, MINN.	.000448908			.000448884		
ST. CLOUD, MINN.	.000361787			.000361767		
GOVERNORS APPORTIONMENT FOR MINNESOTA	.001654558	496,366	827,277	.001654468	206,807	1,075,404
STATE - MISSISSIPPI						
JACKSON, MISS.	.001294081			.001294011		
BOLOXI-GULFPORT	.000737635			.000737594		
GOVERNORS APPORTIONMENT FOR MISSISSIPPI	.002031716	609,514	1,015,857	.002031605	253,951	1,320,542
STATE - MISSOURI						
SPRINGFIELD, MO	.000737797			.000737756		
ST JOSEPH, MO-KANS	.000502686			.000502658		
COLUMBIA, MO.	.000328932			.000328914		
GOVERNORS APPORTIONMENT FOR MISSOURI	.001569414	470,822	784,705	.001569328	196,166	1,020,062
STATE - MONTANA						
BILLINGS, MONT	.000485864			.000485837		

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTIION 5 APPORTIONENTS TO URBANIZED AREAS UNDER 200,000 POPULATION

PAGE-

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - MONTANA						
GREAT FALLS, MONT	.000528015			.000527986		
GOVERNORS APPORTIONMENT FOR MONTANA	.001013878	304,163	506,938	.001013823	126,728	658,985
STATE - NEBRASKA						
LINCOLN, NEBR.	.001094105			.001094046		
SIOUX CITY, IOWA-NEBR.-S.DAK	.000047450			.000047448		
GOVERNORS APPORTIONMENT FOR NEBRASKA	.001141555	342,466	570,777	.001141493	142,686	741,970
STATE - NEVADA						
RENO, NEV	.000681412			.000681375		
GOVERNORS APPORTIONMENT FOR NEVADA	.000681412	204,423	340,705	.000681375	85,172	442,893
STATE - NEW HAMPSHIRE						
MANCHESTER, N.H.	.000628339			.000628304		
NASHUA, N.H.	.000364217			.000364197		
GOVERNORS APPORTIONMENT FOR NEW HAMPSHIRE	.000992556	297,766	496,277	.000992501	124,063	645,125
STATE - NEW JERSEY						
ATLANTIC CITY, N.J.	.000825060			.000825015		
VINELAND-MILLUILLE, N.J.	.000367263			.000367242		
GOVERNORS APPORTIONMENT FOR NEW JERSEY	.001192323	357,696	596,161	.001192257	149,031	774,967
STATE - NEW MEXICO						
GOVERNORS APPORTIONMENT FOR NEW MEXICO	.0			.0		
STATE - NEW YORK						
UTICA-ROME, N.Y.	.001188350			.001188285		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - NEW YORK						
BINGHAMTON, N.Y.	.001235662			.001235595		
POUGHKEEPSIE, N.Y	.000619297			.000619263		
ELMIRA, N.Y.	.000540552			.000540523		
GOVERNORS APPORTIONMENT FOR NEW YORK	.003583860	1,075,156	1,791,927	.003583665	447,956	2,329,382
STATE - NORTH CAROLINA						
FAYETTEVILLE, N.C.	.001027449			.001027393		
RALEIGH, N.C.	.000963059			.000963006		
GREENSBORO, N.C.	.001014130			.001014075		
WINSTON-SALEM, N.C.	.000901686			.000901636		
DURHAM, N.C	.000656165			.000656129		
GASTONIA, N.C.	.000546382			.000546352		
HIGH POINT, N.C.	.000556598			.000556568		
ASHEVILLE, N.C.	.000438596			.000438572		
BURLINGTON, N.C.	.000365884			.000365864		
WILMINGTON, N.C.	.000353111			.000353091		
GOVERNORS APPORTIONMENT FOR NORTH CAROLINA	.006823061	2,046,912	3,411,526	.006822687	852,832	4,434,745
STATE - NORTH DAKOTA						
FARGO-MOORHEAD, N. DAK.-MINN	.000427929			.000427906		
GOVERNORS APPORTIONMENT FOR NORTH DAKOTA	.000427929	128,378	213,964	.000427906	53,488	278,138
STATE - OHIO						
LORAIN-ELYRIA, OHIO	.001146137			.001146074		
HUNTINGTON-ASHLAND, W.VA-KY-OHIO	.000183772			.000183762		
SPRINGFIELD, OHIO	.000740615			.000740575		
WHEELING, W. VA.-OHIO	.000285642			.000285627		
HAMILTON, OHIO	.000595465			.000595433		
STEUBENVILLE-WEIRTON, OHIO-W. VA.	.000322132			.000322114		
MANSFIELD, OHIO	.000469761			.000469735		
LIMA, OHIO	.000473858			.000473833		
PARKERSBURG, W.VA.-OHIO	.000045825			.000045823		

NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974
SECTIION 5 APPORTIONENTS TO URBANIZED AREAS UNDER 200,000 POPULATION

PAGE-

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - OHIO						
GOVERNORS APPORTIONMENT FOR OHIO	.004263207	1,278,957	2,131,600	.004262975	532,868	2,770,933
STATE - OKLAHOMA						
LAWTON, OKLA	.000606589			.000606556		
FORT SMITH, ARK-OKLA	.000010139			.000010139		
GOVERNORS APPORTIONMENT FOR OKLAHOMA	.000616728	185,017	308,363	.000616694	77,086	400,851
STATE - OREGON						
EUGENE, OREG	.000931851			.000931800		
SALEM, OREG	.000623557			.000623523		
GOVERNORS APPORTIONMENT FOR OREGON	.001555407	466,622	777,703	.001555323	194,414	1,010,959
STATE - PENNSYLVANIA						
ERIE, PA.	.00143980			.001439753		
READING, PA.	.001394269			.001394194		
YORK, PA	.000922689			.000922639		
LANCASTER, PA	.000844689			.000844643		
JOHNSTOWN, PA	.000733858			.000733818		
ALTOONA, PA	.000686420			.000686384		
WILLIAMSPORT, PA.	.000455422			.000455398		
GOVERNORS APPORTIONMENT FOR PENNSYLVANIA	.006477178	1,943,150	3,238,586	.006476830	809,600	4,209,938
STATE - PUERTO RICO						
PONCE, P.R.	.001520094			.001520014		
MAYAGUEZ, P.R.	.000633107			.000633074		
CHAUAS, P.R.	.000794257			.000794215		
GOVERNORS APPORTIONMENT FOR PUERTO RICO	.002947458	884,237	1,473,727	.002947304	368,411	1,915,747
STATE - RHODE ISLAND						
FALL RIVER, MASS.-R.I.	.000081317			.000081312		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - RHODE ISLAND						
GOVERNORS APPORTIONMENT FOR RHODE ISLAND	.000081317	24,395	40,658	.000081312	10,164	52,852
STATE - SOUTH CAROLINA						
GREENVILLE, S.C.	.001002188			.001002133		
AUGUSTA, GA-S.C.	.000123575			.000123568		
SPARTANBURG, S.C.	.000456600			.000456575		
GOVERNORS APPORTIONMENT FOR SOUTH CAROLINA	.001582363	474,708	791,180	.001582276	197,782	1,028,479
STATE - SOUTH DAKOTA						
SIOUX CITY, IOWA-NEBR.-S.DAK	.000004477			.000004477		
SIOUX FALLS, S. DAK	.000524161			.000524133		
GOVERNORS APPORTIONMENT FOR SOUTH DAKOTA	.000528638	158,591	264,318	.000528610	66,075	343,596
STATE - TENNESSEE						
KNOXVILLE, TENN.	.001215087			.001215020		
KINGSPORT, TENN.-VA.	.000368637			.000368616		
CLARKSVILLE, KY.-TENN.	.000241880			.000241867		
GOVERNORS APPORTIONMENT FOR TENNESSEE	.001825604	547,681	912,801	.001825503	228,187	1,186,576
STATE - TEXAS						
LUBBOCK, TEX.	.000917355			.000917305		
AMARILLO, TEX	.000794324			.000794281		
WACO, TEX	.000649235			.000649199		
PORT ARTHUR, TEX	.000669080			.000669043		
BEAUMONT, TEX	.000664304			.000664267		
WICHITA FALLS, TEX	.000632220			.000632185		
MCALLEN-PHARR-EDINBURG, TEX	.000635074			.000635040		
ABILENE, TEX	.000479247			.000479220		
TEXAS CITY-LA MARQUE, TEX	.000432760			.000432736		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - TEXAS						
ODESSA, TEX	.000607993			.000607961		
KILLEEN, TEX	.000440094			.000440070		
LAREDO, TEX.	.000517189			.000517162		
SAN ANGELO, TEX.	.000386669			.000386647		
GALVESTON, TEX	.000428148			.000428125		
MIDLAND, TEX.	.000364847			.000364827		
TYLER, TEX.	.000393464			.000393443		
TEXARKANA, TEX.-ARK.	.000216343			.000216331		
SHERMAN-DENISON, TEX.	.000318371			.000318353		
BROWNSVILLE, TEX.	.000403202			.000403181		
BRYAN-COLLEGE STATION, TEX.	.000292227			.000292211		
HARLIGEN-SAN BENITO, TEX.	.000284577			.000284561		
GOVERNORS APPORTIONMENT FOR TEXAS	.010526724	3,158,009	5,263,351	.010526146	1,315,760	6,841,993
STATE - UTAH						
OGDEN, UTAH.	.000992235			.000992181		
PROVO-OREM, UTAH	.000598698			.000598665		
GOVERNORSS APPORTIONMENT FOR UTAH	.001590933	477,279	795,465	.001590845	198,855	1,034,049
STATE - VIRGINIA						
ROANOKE, VA.	.001022474			.001022419		
PETERSBURG-COLONIAL HEIGHTS, VA	.000658309			.000658273		
LYNCHBURG, VA.	.000429365			.000429342		
KINGSPORT, TENN.-VA.	.000024456			.000024454		
GOVERNORS APPORTIONMENT FOR VIRGINIA	.002134604	640,379	1,067,300	.002134487	266,809	1,387,416
STATE - WASHINGTON						
RICHLAND-KENNEWICK, WASH	.000387599			.000387577		
YAKIMA, WASHINGTON	.000459620			.000459595		
GOVERNORS APPORTIONMENT FOR WASHINGTON	.000847219	254,165	423,609	.000847172	105,896	550,661
STATE - WEST VIRGINIA						
HUNTINGTON-ASHLAND, W.VA-KY-OHIO	.000692171			.000692134		

STATE AND URBANIZED AREAS	FACTOR WEIGHT	FY 1975 ALLOC	FY 1976 ALLOC	FACTOR WEIGHT	TRANS QTR	FY 1977 ALLOC
STATE - WEST VIRGINIA						
CHARLESTON, W.VA.	.001060370			.001060312		
WHEELING, W. VA.-OHIO	.000415086			.000415064		
STEUBENVILLE-WEIRTON, OHIO-W. VA	.000221848			.000221836		
PARKERSBURG, W.VA.-OHIO	.000434885			.000434861		
GOVERNORS APPORTIONMENT FOR WEST VIRGINIA	.002824360	847,305	1,412,178	.002824207	353,022	1,835,733
STATE - WISCONSIN						
DULUTH-SUPERIOR, MINN.-WIS	.000160827			.000160818		
APPLETON, WIS	.000996270			.000996216		
GREEN BAY, WIS	.000750658			.000750617		
RACINE, WIS	.000985886			.000985834		
KENOSHA, WIS	.000762700			.000762659		
LA CROSSE, WIS.-MINN.	.000418321			.000418298		
OSHKOSH, WIS.	.000478695			.000478670		
GOVERNORS APPORTIONMENT FOR WISCONSIN	.004553357	1,366,003	2,276,675	.004553111	569,137	2,959,521

TECHNICAL APPENDIX:
EXPLANATION OF APPORTIONMENT FORMULA AND AND DATA SOURCES

Section 5(b)(1) of the Urban Mass Transportation Act of 1964, as amended, directs the Secretary to apportion authorized funds on the basis of a formula under which urbanized areas would be entitled to receive an amount equal to the sum of:

"(A) One-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area or part thereof, * * * ; bears to the total population of all urbanized areas * * * ; and

"(B) One-half of the total amount so apportioned multipled by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary."

The mathematical expression of the apportionment formula utilized to devise the attached allocation projections is as follows:

$$\text{Factor Wt.} = \left[\frac{\left(\frac{p_i}{\sum_{i=279}^{N} p_i} \right) + \left(\frac{p_i d_i}{\sum_{i=279}^{N} p_i d_i} \right)}{2} \right]$$

Where:

p = Population of urbanized area
d = Population density of urbanized area
i = i-th urbanized area case
p = Sum of the populations for 279 urbanized areas is calculated to equal 121,808,623
pd = Sum of the population times density products for 279 urbanized areas is calculated to equal 486,685,712,680

In cases wherein the urbanized area is divided by two or more State boundaries, an apportionment factor weight is calculated for the whole area. State allocation is made on the basis of the ratios of each State urbanized area component to the sum of all component population and population density values, and applying those ratios to the apportionment factors of the whole urbanized area.

The primary source of data was the Bureau of the Census Report of The County and City Data Book of 1972. Additional Bureau of the Census reports, PC(1) and HC(3) series, where consulted to verify data items and multi-state components.

Population densities are calculated by the Bureau of the Census on a land area to the nearest tenth of a square mile; land area is reported to the nearest whole square mile.

Due to significant number limitations in computation and printout, the various factor weight columns may not add to the printed totals. This also applies to the illustrational splits of the funds apportioned to multi-state urbanized areas over 200,000; the area total is the correct apportionment amount.

FY 1976 rounding procedure

Though the factor weights have not been adjusted, the dollar apportionment of fiscal year 1976 funds has been adjusted so that the sum of fiscal 1976 allocations to urbanized areas will add to $500 million exactly. In addition the assignment of amounts to portions of multistate urbanized areas of over 200,000 population has been adjusted so that the sum of the parts is equal to the urbanized area total.

It should be noted that the unadjusted apportionment of fiscal year 1976 funds falls $98 short of $500 million. Therefore, the following rounding procedure was used for FY 1976. One dollar was added to each of the 98 largest urbanized areas (by population). For multistate urbanized areas of 200,000 the required adjustment to the multi-state split (never more than $4) was spread equally among the state components except that all adjustments were in whole dollar increments with the first dollar of adjustment made to the first state cited.

TQ and FY 1977 rounding procedures

In the same manner the dollar apportionment of TQ and FY 1977 funds have been adjusted so that the sum of the allocations add exactly to $125 million and $650 million respectively. A similar rounding procedure to that described for FY 1976 rectified shortfalls in the unadjusted apportionments of $131 in the TQ and $159 in FY 1977.

[FR Doc.76-18763 Filed 6-30-76;8:45 am]

federal register

THURSDAY, JULY 1, 1976



PART V:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

MEDICAL ASSISTANCE PROGRAMS

Skilled Nursing and Intermediate Care Facility Services; Reimbursement

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reimbursement on a Reasonable Cost-Related Basis for Skilled Nursing and Intermediate Care Facility Services

In the April 13, 1976, FEDERAL REGISTER (41 FR 15560), the Department published a notice of proposed rule making under title XIX of the Social Security Act, to amend Social and Rehabilitation Service regulations at 45 CFR 250.30. The proposed amendments would implement section 249(a) of Pub. L. 92–603, the Social Security Amendments of 1972. That section added section 1902(a)(13)(E) to the Act, requiring that State plans for medical assistance programs provide, "effective July 1, 1976, for payment of the skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost related basis, as determined in accordance with methods and standards which shall be developed by the State on the basis of cost-finding methods approved and verified by the Secretary."

Interested parties were given the opportunity to submit in writing on or before May 13, 1976 (subsequently extended to May 28, 1976 (41 FR 16968)), any comments, suggestions, or objections pertaining to the proposed amendments. Over 500 letters were received from a variety of sources, including 20 States, 187 long-term care facilities, 27 national or State organizations representing providers of long term care, and 270 individuals.

As a result of the Department's review of the comments, the proposed regulations have been substantially revised. The material comments received are responded to, and the changes incorporated in the final regulations are discussed, in the following analysis of the basis and purpose of these regulations. The Department considered many alternative approaches in the course of developing these regulations. A discussion of these alternatives and the reasons for rejecting them is also incorporated into the following analysis of the basis and purpose of the regulations.

LEGISLATIVE PURPOSE OF 1902(a)(13)(E)

Section 249 of Pub. L. 92–603 originated in the Senate Committee on Finance. The report of that committee, Senate Report No. 92–1230, at pp. 287–288, indicates the legislative purposes for which section 249(a) was enacted. The Senate Report notes with concern that, without any statutory requirements that payment for medical care and services in long term care facilities be on a reasonable cost-related basis, some facilities are being overpaid by Medicaid, while others are being paid too little to support the quality of care that Medicaid patients are expected to need and receive.

The Report makes clear that the Committee was concerned about the effect of both underpayment and overpayment on the quality of medical care of recipients. If facilities are underpaid, because a State's flat rate is unrealistically low or because in determining its rate the State refuses to recognize as allowable costs some of the real costs of providing the services, facilities will be under pressure to cut corners and provide lower quality care, or will be forced to make their non-Medicaid patients absorb some of the cost of Medicaid patients' care; at worst, facilities may refuse to accept Medicaid patients. If facilities are overpaid, either because the State's flat rate is unrealistically high or because the State payment formula permits reimbursement for unnecessary items such as luxury services, questionable depreciation allowances and the like, there is little incentive for providers to employ the most efficient and economical methods of providing services, with the result that the State's Medicaid dollars do not go as far as they could to provide needed medical care. When increased inflation and unemployment are already straining State welfare budgets, this is a serious consideration. The rising costs of the Medicaid program may force a State to drop optional services or the medically needy category from its plan, as some States have already done; at worst, the high prices of medical care and services in skilled nursing facilities and intermediate care facilities might be a factor in the State's decision to drop out of the Medicaid program altogether.

Congress, then, was concerned about the harmful effects on the Medicaid program of both underpayment and overpayment of providers of long-term care facility services. On the other hand, the committee was aware that application of the reasonable cost reimbursement approach of the Medicare program to payment for long-term care facility services was not entirely satisfactory; the committee noted particularly that the tremendously detailed cost finding requirements under Medicare might be unnecessarily cumbersome and expensive.

THE SECRETARY'S AUTHORITY UNDER 1902(a)(13)(E)

The committee announced that its purpose in enacting section 249 was to give States maximum possible flexibility to develop methodologies for cost finding and reasonable cost-related reimbursement, within limits set by the Secretary. Questions raised in many of the responses received by SRS during the comment period have indicated the necessity of clarifying the division of functions between the Secretary and the States established by the statute.

The statute requires that the States (1) use approved cost-finding methods to establish the reasonable costs of services, and (2) on the basis of such cost-finding methods, develop and use methods and procedures for payment for services on a reasonable cost-related basis. A number of the comments received expressed the mistaken view that the statute grants the Secretary authority to review, approve, and verify only the cost-finding methods, and not the methods used by the States to establish a reimbursement rate. Given the rather confusing wording of the statute, it is understandable that this misinterpretation could arise, but when the statute is read together with the Senate Finance Committee Report, there is no room for doubt that Congress intended the Secretary to have power to review, approve, and validate both the cost-finding and the reimbursement methodologies. The report reads in part, at page 287:

> The States would use acceptable *cost-finding techniques* (not necessarily those utilized for Medicare purposes) to determine reasonable reimbursement and apply to the results appropriate *methodologies for determining payment. The methods would have to be approved and validated by the Secretary.* The committee does not intend that this provision should require use of the specific Medicare reasonable cost reimbursement formula by States for purposes of reimbursing skilled nursing homes and intermediate care facilities under Medicaid, although States are free to choose this option. Rather, the States could develop other *reasonable cost-related methods of rate-setting. Whatever methodology is authorized* should include adequate procedures for auditing, as necessary, the financial records of an institution * * *. *The Secretary would be expected to validate,* on site, *a State's methodology* through sample audits. (Emphasis added.)

The language of the Committee Report makes clear that the State's methodologies for rate-setting, as well as the State's methods for cost-finding, are subject to the Secretary's approval.

A number of the comments took the mistaken view that, since under section 249 the Secretary had authority only to review and approve methodologies used by the States, he exceeded his authority in including in the proposed regulations any Federal requirements. However, it is entirely appropriate that, in the exercise of his power under section 249 to review and approve the States' cost-finding and rate-setting methodologies, the Secretary give notice to the States in the form of regulations of the criteria and conditions on which he will base his approval. In light of the concern expressed in the legislative history of section 249 about the dangers to the objectives of the Medicaid statute of either underpayment or overpayment of long-term care facilities, the Secretary, in carrying out his statutory functions of reviewing, approving, and verifying the States' methodologies, has the responsibility to seek to assure that the methodologies will in fact result in reasonable cost-related reimbursement, by establishing certain minimum standards for approval.

The legislative history of section 249(a) makes clear that, within the limits established by the statute and by regulations, the States are to have the maximum possible flexibility to develop methodologies for cost-finding and rate-setting and procedures for reimbursement. The legislative history explicitly declares that States are to be free to develop methodologies less cumbersome and expensive than those of the Medi-

care program. In light of this clear Congressional purpose, the regulations have been amended to meet the objections raised in a number of comments to a variety of requirements in the proposed regulations. The purposes of the final regulations are to simplify the Federal requirements, focusing on the basic principles and standards that the States must observe in order to secure approval of their cost-finding and reimbursement methodologies and to assure validation in subsequent audits, without unnecessarily restricting the States in their choice of methodologies and standards.

ORGANIZATION OF THE FINAL REGULATIONS

The final regulations are organized around five State plan requirements established by section 1902(a)(13)(E), as amplified by its legislative history. Subsection 250.30(a)(3)(i), dealing with cost-finding and cost reporting, implements the statutory requirement that the State use cost-finding methods approved and verified by the Secretary. Subsection 250.30(a)(3)(ii), dealing with auditing, implements the requirements of the statute, as clarified in the legislative history, that the States' cost-related method of rate-setting should include adequate procedures for auditing the financial records of an institution, and that the Secretary verify a State's methodology. § 250.30(a)(3)(iii), dealing with allowable costs, implements the statutory requirement that reimbursement rates for long-term care services provided under the plan be determined on the basis of cost-finding methods approved and verified by the Secretary; this section specifies certain expense items which must be taken into account, and others which must be omitted, in the calculation of reasonable cost in an approvable cost-finding method. Section 250.30(a)(3)(iv), dealing with methods and standards for establishing a reimbursement rate, implements the statutory requirement, as clarified in the legislative history, that States develop formulas and standards for reimbursement on a reasonable cost-related basis, and that the States' method for determining such reasonable cost-related payment be approved and validated by the Secretary. Section 250.30(a)(3)(v), requiring assurance by the States that payment will be based on the principles and standards stated in these regulations and in the State plan, implements the statutory requirement that payment for long-term care facility services be on a reasonable cost-related basis.

THE MEDICARE CEILING

Many comments expressed concern at the continuation in these regulations of the Medicare ceiling on payment rates, which has been in effect since July 1, 1970.

Numerous comments urged the view that the imposition of this ceiling exceeded the Secretary's authority under section 249(a) of Pub. L. 92–603, and conflicted with the statutory intent expressed in section 249(b) that rates found acceptable for a State's Medicaid program could be adapted for use in the State's Medicare program as well.

In responding to these comments, the Department would first note that the Medicare ceiling requirement in § 250.30(b)(3)(iii) of this chapter is not new. It was published at 35 FR 10013, June 18, 1970, and became effective July 1, 1970. This requirement does not implement section 1902(a)(13)(E), but rather implements the completely separate requirement of section 1902(a)(30) that the State plan:

> provide such methods and procedures relating to the * * * payment for * * * care and services available under the plan * * * as may be necessary to * * * assure that payments * * * are not in excess of reasonable charges consistent with efficiency, economy, and quality of care.

while section 1902(a)(13)(E) requires that payment be on a reasonable cost-related basis, section 1902(a)(30) imposes the separate requirement that payment not exceed reasonable charges consistent with efficiency, economy, and quality of care. The Department has felt and continues to feel the need to place some explicit ceiling on Medicaid payment rates in order to effectuate the Congressional purpose expressed in section 1902(a)(30).

A number of comments urged that, since Medicare provides for payment of reasonable cost, to make the Medicare rates the ceilings on payments under section 1902(a)(13)(E) would be effectively to require that States pay reasonable cost or less. The fallacy contained in this analysis is the assumption that there is only one method to determine reasonable cost, and only one cost figure which is reasonable. But, to the contrary, the Department believes that a variety of cost-finding methods could be used to determine reasonable cost, which methods would produce a range of amounts representing reasonable cost. Rather than any one figure representing the reasonable cost, each figure within the acceptable range represents a reasonable cost. Based on its experience with the use of the Medicare formula, the Department believes it is appropriate to continue the assumption that a payment rate is excessive if it would result in higher payment than under Medicare in any cost-reimbursement method which determines final payment retrospectively.

The enactment of section 1902(a)(13)(E), which requires that State plans provide for reimbursement of skilled nursing facilities and intermediate care facilities on a reasonable cost-related basis, does not render superfluous section 1902(a)(30) or its implementing regulations. A State's reimbursement formula under section 1902(a)(13)(E) might be related to reasonable cost and still exceed reasonable charges, for example, if a State set a high rate of return on owners' net equity.

One comment urged that, had Congress wanted to impose an upper limit on nursing home payments calculated in relationship to payments under Medicare, it would have added a ceiling provision to section 249(a) similar to the ceiling provision in section 232 of Pub. L. 92–603, which states that payment of the reasonable cost of inpatient hospital services under Medicaid shall not exceed the amount which could be determined under Medicare as the reasonable cost of such services.

The answer to this comment is that it is equally reasonable to conclude that since at the time Congress enacted section 249, it was aware that the regulation making the Medicare cost determinations a ceiling on payment to long-term care facilities under Medicaid was already in effect, it saw no need to create such a ceiling through legislation. Indeed, Congress would have been expected to declare its objections, if any, to the existing regulatory ceiling at the time it enacted section 249. Since Congress was silent, it can reasonably be assumed that it had no such objections.

Section 249, which added section 1902(a)(13)(E) to the Medicaid statute, also added to the Medicare statute section 1861(v)(1)(E), which empowers the Secretary to provide by regulations that rates developed by a State under section 1902(a)(13)(E) may be used to reimburse providers of skilled nursing facility services under Medicare as well. A few comments argued that this provision demonstrated the Congressional intent that reimbursement under Medicare was to follow Medicaid principles, and not the reverse, and that therefore the Medicare ceiling on Medicaid reimbursement rates was no longer appropriate.

In the first place, this argument manifestly ignores the explicit language of section 249(b), which unmistakably leaves to the Secretary's discretion the decision whether to promulgate regulations allowing the use of Medicaid rates in the Medicare program, and also gives the Secretary discretion to determine on a State-by-State basis whether to allow use of such alternative rates. Second, the legislative history gives no indication that Congress was dissatisfied with the rate arrived at under the Medicare formula, but rather indicated dissatisfaction with the cumbersomeness and expense of the formula. Furthermore, as stated above, experience with use of the Medicare formula had demonstrated that the rates determined on the basis of this formula are at the upper end of the range of reasonable costs. On the basis of these factors, the Department sees no reason to interpret section 249(b) as evidence that Congress objected to the continued use of the Medicare rates as a ceiling on payment rates determined under section 249(a). On the contrary, strong evidence of Congress' continued satisfaction with the Medicare formula as a ceiling on Medicaid rates is provided in Congress' making the Medicare ceiling on Medicaid rates for inpatient hospital services a statutory requirement under section 1902(a)(13)(D) of the Act, enacted by a companion provision of the same Act of Congress, section 232 of Pub. L. 92–603.

A number of comments stated that the Medicare ceiling could not be reconciled

with the clear legislative intent that States were not to be required to use the Medicare cost reimbursement formula for payment, but were to be free to experiment with developing alternative payment methods and standards that might be simpler and less expensive. Comments emphasized that retaining the ceiling would seem to require States to employ the detailed Medicare formula at least for purposes of rate comparison, thus forcing a choice between expensive and duplicative accounting and auditing procedures or acceptance of the Medicare formula. This requirement was felt to be burdensome whether it required comparison between rates under Medicare and alternative systems on individual cost items or in the aggregate. Other comments stated that the ceiling could not be reconciled with the explicit legislative intent that states be free to set a reimbursement rate prospectively without provision for retrospective adjustment, because it would not be administratively feasible under a prospective system to apply the retrospective Medicare ceiling.

The answer to these comments is that States are not required to use Medicare's cost reports or Medicare's detailed cost-finding methods solely for purposes of rate comparison. Program Regulation Guide (MSA–PRG–19) issued June 7, 1972, and still in effect, authorizes the use of simplified formulas to determine the ceiling for facilities that do not participate in Medicare. The Guide also provides for use of a modified formula to determine the rate ceiling prospectively without the need for retrospective adjustment. Under this formula the rate comparison may be made prospectively using current unaudited costs and may be made on a sample of facilities participating in Medicaid: where the facility participates in Medicare, the Medicare interim rate, with certain adjustments, may be used as the rate ceiling.

Some comments expressed concern that the Medicare ceiling would force States to adopt the Medicare principles and standards as the only viable alternative to costly rate comparisons. The short answer to this concern is that since the Medicare ceiling went into effect six years ago, on July 1, 1970, only two States (Idaho and Alaska) have fully adopted Medicare's principles and standards, although many States do use selected Medicare principles and standards. The Department is unaware of any other States planning to drop existing systems to adopt the Medicare system.

The Department is not entirely satisfied with use of Medicare rates as the ceiling on Medicaid rates, being aware both of the cumbersomeness and expense of ascertaining the Medicare rate and of the fact that the Medicare ceiling may be so high that it is not a completely effective deterrent to the setting of excessive rates. The Department solicited proposals for alternative methods of setting the ceiling at the time Notice of Proposed Rule Making was published for these regulations. But the alternatives proposed in comments are unsatisfactory. The suggestion that the ceiling be set as a percentage of the costs recognized by a State is unsatisfactory, because it creates an incentive to increase costs. The suggestion that the Department set limits on profits that may be paid is also unsatisfactory, because it has been the Department's experience that ceilings it establishes frequently become floors as well, thus defeating their purpose. However, as a result of the above comments, the Department is discontinuing use of a Medicare ceiling in the case of States with prospective rate setting systems. Prospective rate setting systems, as defined for purposes of this regulation, involve payment rates not subject to further adjustment on the basis of the actual costs of a particular provider of long-term care services. The Department believes that the inherent cost containment potential of such limits negates the need for an additional ceiling. As part of its validation audits of State payment systems, the Department will compare States' payments under prospective methods of reimbursement with rates which would have been determined under Medicare. The results of these audits to evaluate the impact of the regulations will also be used by the Department to evaluate the need for defining a more restrictive ceiling in regulations or legislation.

In the case of retrospective payment systems (i.e., systems in which there is any retrospective determination of payment or settlement of costs), the use of a Medicare ceiling determination is continued. For ease of administration, the States may determine the upper limit based on a random sample of all long-term care facilities participating in Medicaid. The ceiling will be deemed met if the State's payment does not exceed amounts which would have been determined under Medicare in at least 90 percent of the facilities in the sample. States are equally free to continue using the present procedures for determining compliance with the Medicare ceiling in circumstances where it will continue to be applicable. Thus, the "random sample" method may be used at state option. Since this additional, optional method for determining compliance with the Medicare ceiling imposes no new burdens or requirements on the states, the Department finds that good cause exists for including this provision in these regulations in final form without prior public comment and for dispensing with notice of proposed rulemaking.

In all cases, whether a State has a prospective or retrospective payment system, any general payment limits established under Medicare pursuant to section 223 of Pub. L. 92–603 will be in effect under Medicaid on the same facility-by-facility basis as under Medicare. General payment limits are not currently in effect under Medicare, but it is anticipated that limits on payment rates for routine service costs of skilled nursing services will be promulgated in the near future. Such limits are considered by the Department to be absolute limits on what is considered reasonable costs for both skilled nursing facility and intermediate care facility services.

Other Medicare Tie-Ins

A considerable number of comments expressed concern that the numerous requirements in the proposed regulations that the State's reimbursement rate for individual cost items not exceed the Medicare rate, combined with the provision that State plans which adopted the Medicare standards and principles would have automatic approval while all other plans would be subject to review, would have the unintended effect of forcing States to adopt the Medicare formula as the only viable option. The point was well taken, and the Department has removed all requirements that the State rates not exceed Medicare rates of payment for individual cost items except for payment limits established by Medicare pursuant to section 223 of Pub. L. 92–603.

Some comments urged that States be required to adopt the Medicare principles and standards of reasonable cost reimbursement, while others urged that States be forbidden to do so. However, the legislative history leaves no doubt that Congress intended States to have the option to adopt the Medicare principles and standards, but not to require that States adopt these principles and standards.

Payment on a Reasonable Cost-Related Basis

The statute requires payment for long-term facility services provided under the plan "on a reasonable cost-related basis," rather than simply requiring payment of "reasonable costs," as in section 1902(a)(13)(D) (payment for inpatient hospital services) and section 1861(v) in title XVIII (Medicare). Since "reasonable cost-related basis" is not defined in the statute, we must look to the legislative history for its meaning.

Section 1902(a)(13)(E) was enacted to remedy what Congress perceived as the inadequacy of present systems for payment of long-term care facilities. The Senate Report expresses dissatisfaction with the flat rate payment system in general use, because it results in overpayment to some long-term care facilities, while other facilities are paid too little to support the quality of care that Medicaid patients are expected to need and receive, and because a flat rate provides no incentive to upgrade the quality of care. In light of this clearly expressed legislative concern, the statutory requirement of "payment * * * on a reasonable cost related basis" must mean that, after determining the reasonable cost on the basis of some approved method, the State must set a payment rate that it finds adequate to reimburse such reasonable costs, and could not set the rate so low that it clearly would not reimburse such reasonable costs. In other words, the State may not set the payment rate at, for example, 60 percent of reasonable costs; such a rate, although it would be within a literal definition of the words "payment on a reasonable cost related

basis," would not comport with what Congress clearly understood to be the meaning of the statutory language. For the same reason, a State would not satisfy the requirement of section 1902 (a) (13) (E) if it paid, or gave assurance to pay, the amount determined under this section to the extent that State funds are available, or to the extent that State appropriations permit. To allow a State to limit its obligation under the statute by such a provision, as some comments suggested, would permit a State to defeat a major part of Congress' purpose in enacting section 249.

On the other hand, neither does the statute require that States provide assurance that each facility will be reimbursed its reasonable costs, as some comments urged. The intent expressed in the legislative history that States be allowed the maximum possible flexibility in developing cost-related payment methods sheds light on the distinction between "reasonable cost" and "reasonable cost-related." The Senate Report declares that States need not use the Medicare reasonable cost reimbursement formula, but that they should be free to develop simpler and less expensive methodologies. The Senate Report explicitly declares that reasonable cost-related rates can be determined on a geographical or other class basis instead of on an institution-by-institution basis. The report also clearly implies that States are to be free to set the rates prospectively without provision for retrospective adjustment. A rigid requirement that a State pay to each facility the full amount of its allowable costs would bar the use of these very options that Congress meant to make available. As some comments pointed out, rates set prospectively on the basis of past experience, or set on a class basis, cannot reimburse the actual costs of each facility with the same degree of precision possible under the Medicare formula, and will inevitably result in a degree of underpayment of some facilities and overpayment of others. But the legislative history makes clear Congress' intent to give up a certain amount of precision in order to afford States the option to use simpler and less expensive methodologies.

As pointed out above in the discussion of the Medicare ceiling, there is no single acceptable method for determining reasonable cost, but rather a variety of acceptable methods; it follows from this that there is no single figure that is the reasonable cost, but rather a spectrum of figures within an acceptable range, any one of which is a reasonable cost. The Department expects that a variety of acceptable methods for determining a reasonable cost-related payment rate will be developed. The legislative history of section 249 makes clear that the States are to be allowed great freedom both to define allowable costs items and to set a value on the reasonable cost of such items, and, in addition, States are to be free in setting their reasonable cost-related payment rate to take into account, on the one hand, incentives toward efficiency and economy and, on the other hand, incentives to upgrade the quality of care and to provide for growth and improvements.

The legislative history makes clear that States may set their payment rates at the level that will reimburse only those costs which a State finds reasonable. States are not required to reimburse for luxury services, questionable allowances for depreciation, and similar items which they may reasonably choose not to recognize as "reasonable." To safeguard against overpayment a state may, for example, set the payment rate for a facility or class of facilities on the basis of the cost at the occupancy level necessary for the advantageous use of efficiencies and economies of scale.

Although the Department will not at this time promulgate rules requiring specified methods of property valuation, States are encouraged to adopt methods under which payment would not vary solely as a result of sales, whether at arms-length or otherwise, would not differ solely on the basis of whether a facility is leased or owned, and would not vary solely as a result of changes in an owner's financing arrangements. One such method was developed by the New York State Moreland Act Commission on Nursing Homes and Residential Facilities. In its publication, Reimbursement of Nursing Homes Property Costs: Pruning The Money Tree, the method is described as follows:

> In the case of proprietary facilities, amounts in lieu of real property expenses (depreciation, interest, and a return on capital investment), would be determined under the following "fair rental" system:
>
> (1) A amount equal to the equivalent of full amortization of non-land property costs over a useful life (determined in accordance with commonly accepted standards) plus a return in each of the years on the unamortized portion of such costs. The rate of return would be set at one and one-half times the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund averaged over a period of time specified by the State; and in addition,
>
> (2) A amount equal to the equivalent of a rental for land based on the original cost of the land adjusted annually for inflationary/deflationary trends times a rate of return not to exceed four percent per year.

Another approach has been adopted by the Minnesota Medicaid program in which depreciation paid by the program is subject to recapture upon sale or transfer of an asset. Program depreciation amounts paid are recaptured to the extent that the gain upon sale or transfer of assets is in excess of the historical cost of the assets depreciated on a straight line basis to the time of the sale or transfer. The State reduces the amount subject to recapture by one percent for each month of participation in the program.

The legislative history also makes clear that States may take into account in setting their payment rates the need to assure that adequate numbers of qualified facilities are available and willing to participate in the Medicaid program, and to provide incentives to participating facilities to upgrade the quality of care. For example, the Senate Report indicates that Congress intended States to have the option to adopt the Medicare formula, which provides for a profit for proprietary providers in the form of an allowance for a reasonable return on owner's net capital equity; the fact that this option is available indicates that States are to be free to include a similar profit factor for proprietary providers in calculating the reasonable cost-related rate. States may include as an allowable cost whatever return on owners' net equity they conclude is necessary to avoid withdrawal of capital and to attract additional capital needed for expansion. This return on owners' net equity of proprietary providers is the only item of profit that may be included as an item of allowable cost. States may conclude that such a profit factor is necessary to avoid withdrawal of capital and to attract additional capital needed for expansion. On the other hand, such a profit factor would not be an appropriate element in the calculation of the reimbursement rate for non-profit and governmental providers. At the same time, nothing in the statute or the legislative history requires payment of a profit; the only requirement is that payment be on a reasonable cost-related basis. Therefore, payment of a profit as a return on owners' net equity is optional with the States, and it would be inappropriate to require in these regulations that a State assure a profit return comparable to returns in enterprises having a corresponding risk, as some comments suggested.

The proposed regulations would have allowed rates to include flat amounts representing growth allowances and efficiency bonuses for both profit and non-profit providers. Provisions for such payments have been deleted. An efficiency bonus in the form of a lump sum payment to facilities that the state finds to have operated efficiently and economically is not a true cost item, and cannot be reconciled with the statutory mandate that payment be on a reasonable cost-related basis. Growth allowances are also impossible to reconcile with the legislative purpose of section 1902(a) (13) (E), which was to provide for payment reasonably related to actual costs incurred. Growth allowances to enable providers to finance necessary expansion, modernization, and development are not related to current costs, but rather are a form of capital financing. It would not be appropriate to seek to provide this financing under section 1902(a) (13) (E). States may allow proprietary providers a profit in the form of a rate of return on owners' net equity sufficiently high to attract needed capital investment. In addition, depreciation allowances and interest expenses may be allowable costs for all providers of long term care services.

While return on proprietary owners' net equity is the only item of profit that may be included as an allowable cost, these regulations also provide another opportunity for profit, in permitting states to set payment rates on a class basis. An efficiently operated facility that provides services under the plan at

a cost less than the class rate will in effect make a profit equal to the difference. On the other hand, a facility that is not economically operated may incur actual costs of more than the class rate; thus, a class rate can be used as an incentive for efficiency and economy. It is intended that States have great flexibility in determining classes in setting class rates, as long as their criteria for classes and rates are reasonable.

The proposed regulations would also have allowed deductions from the payment rate for operational deficiencies which were not clearly related to reasonable costs. This provision has been deleted, but the final regulations allow a state that sets prospective class rates to set for each class a second reduced rate to be paid to facilities found not to have provided the quality of service or level of care required of the class, and to adjust retroactively to such reduced rate its payments to facilities with service deficiencies. Because of the difficulty of calculating such a reduced rate that is reasonable cost-related, and to prevent its misuse as a substitute for more stringent measures against facilities that do not comply with certification standards, the regulations require that the criteria on which such rate reductions are based, and the amount of the reductions, must be set forth in the State plan and must be published for public review and comment before such rates become effective.

A final point on the meaning of the statutory requirement of "payment * * * on a reasonable cost-related basis" is that the statute and the legislative history are silent on the question of the timing of such payment. The Department in these regulations makes no requirement with respect to the time of payment such as the requirement of interim payments under Medicare. Accordingly, States are free to establish such payment schedules as they find reasonable. For example, a State may wish to withhold payment or a portion of payment pending receipt of adequate cost reports from a facility. However, the Department leaves open the possibility that it may decide at some future date, on the basis of experience under these regulations, that regulatory requirements respecting the timing of payments are necessary to effectuate fully the Congressional requirement of payment on a reasonable cost-related basis.

The ICF–SNF Differential and Supplementation Plans

The Secretary has discretion, under section 1903(h)(1) of the Act, to compute, for reimbursement purposes, a reasonable cost differential between skilled nursing facilities and intermediate care facilities.

Under this authority, the Department presently requires by regulation, at 45 CFR 250.30(b)(3)(iii)(b), that except as specified therein, to qualify for Federal financial participation the State must set its reimbursement rate for intermediate care facilities at least ten percent below the rate for skilled nursing facilities. As some comments pointed out, this differential is inconsistent with the requirement of the proposed regulations that States pay both skilled nursing and intermediate care facilities on a reasonable cost-related basis, as determined under the reimbursement principles and provisions of these regulations. In addition, a study of cost differentials between skilled nursing facilities and intermediate care facilities in five States (using cost data from 1971), conducted for the Department by a private consulting firm, indicates that there may be no rational basis for requiring any differential, since a substantial number of intermediate care facilities were found to have costs as high as those of skilled nursing facilities. The study concluded that inadequate data existed on which to base further conclusion on the question of whether any differential is appropriate.

Since section 1902(a)(13)(E) of the Act now requires that all long-term care facilities be paid on a reasonable cost-related basis, the calculation of rates in accordance with the regulation implementing this requirement should result in rates that reflect whatever differential, if any, is appropriate, without further need for a separate requirement for calculating the differential. Accordingly, the requirement for a differential has been deleted from the regulations.

The provisions permitting supplementation of state payments for skilled nursing facility and intermediate care facility services are deleted, since the last state plan for supplementation is scheduled to conclude as of July 1, 1976.

Cost-Reporting

A number of comments pointed out that the cost reporting requirements of the proposed regulations were unnecessarily detailed and burdensome, and would require the States to develop, at considerable expense, cost data of limited usefulness. On the basis of these comments, the regulations have been revised to make clear that the principal requirement of this paragraph is the annual submission by providers to the State of uniform cost reports conforming to certain standards set by the Secretary.

The proposed regulations required that, if the Administrator later prescribes a uniform cost report form, States must adopt that form. A number of comments objected to this requirement on the ground that it would be unreasonable to require States to adopt a Federal uniform cost report form after they had developed their own report forms at considerable expense. These points are well taken and, accordingly, this requirement has been omitted in the final regulations.

Auditing

A number of comments objected to various of the auditing requirements of the proposed regulations. The regulations have been revised to delete some unnecessarily burdensome requirements. The provision requiring a report on the number of field audits conducted has been deleted.

A number of comments urged that the regulations should not require on-site audits, but should give States the option to use other generally accepted methods for validating cost reports. However, the Department has decided to retain this requirement in the final regulations. The Department has been given a preliminary briefing on findings of the General Accounting Office to the effect that State audits of facility-reported cost data are generally lax under the provisions of the present § 250.30(a)(4), which are not specific regarding the scope and frequency of audits required. Based on such experience, on-site, full-scope audits of all facilities over a three-year period following the effective date of these regulations are deemed necessary. However, a provision has been added to the regulations exempting from this requirement States that have recently completed adequate on-site audits of all facilities.

A number of comments also objected that the requirement in the proposed regulations that overpayments found in such audits be accounted for on the SRS–OA–41 report in the quarter found was unfair, because audit findings of overpayments to facilities may be withdrawn later upon reconsideration. Despite this objection, the Department considers it necessary to retain this provision, although it has been amended to permit the State six months to resolve audit findings or to make recovery, before amounts must be reported. Where audit findings of overpayment are withdrawn in a later quarter, the SRS–OA–41 report for that quarter may be adjusted accordingly.

Opportunity for Provider Appeals and Public Comments

A number of comments wanted the regulations to assure providers more opportunities to influence the State's choice of cost-finding and rate-setting methods and payment procedures. Some comments urged that, before the regional offices approve any State plan, the public should have an opportunity to review and comment on the proposed plan and supporting cost data. However, it is considered unnecessary to make this a regulatory requirement, since an opportunity for review of all State plan material filed with Federal offices already exists under the Freedom of Information Act. Other comments argued that a State plan adopting the Medicare principles of reimbursement should not be approved unless it adopts Medicare's procedures for provider appeals of reimbursement determinations. But, since Congress clearly intended that adoption by the State of the Medicare principles and standards of reasonable cost reimbursement was to be optional, there is no basis for requiring that a State adopt the Medicare system in its entirety. However, the Department has been persuaded that some opportunity should be provided for public comment on the proposed payment rates before they become effective. The regulations have been amended accordingly. In addition, the final regulations specifically require that

an opportunity be provided for comment before any penalty provision may be included in the payment rate or rate formula.

TIMETABLE FOR IMPLEMENTATION

A considerable number of States have expressed concern regarding the timetable for implementation of these regulations. The Department is aware that, although a good number of States will be able to implement the greater part of these regulations fairly quickly, some will need a good deal of time to begin to accumulate the cost data on which to base payment rates, and none will be able to meet all the requirements as of July 1, 1976. The Department does not intend that States should be penalized for the Department's delay in publishing final regulations. Therefore, the regulations require that the initial cost-reporting period begin no later than January 1, 1977, and that States set reasonable cost-related rates no later than January 1, 1978, on the basis of cost data submitted by providers. The States are encouraged to meet each requirement of the regulations as soon as possible. Although the regulation speaks to a cost reporting period of a year, some States may set their initial rate on a cost reporting period of less than a year.

Accordingly, the proposed regulations, as modified, are hereby adopted.

Section 250.30, Part 250, Chapter II, Title 45 of the Code of Federal Regulations is revised by adding a new paragraph (a)(3), redesignating current paragraphs (a) (3) through (8) as (a) (4) through (9), amending the renumbered paragraph (a)(8); by deleting subparagraph (b)(3)(ii)(*b*), redesignating current subparagraphs of paragraph (b) (3) as paragraphs (b)(3) through (b) (7), and amending the renumbered paragraphs (b)(6), as follows:

§ 250.30 Reasonable charges.

(a) State plan requirements. * * *

(3) Effective July 1, 1976, provide for payment of the skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost-related basis, as determined in accordance with methods and standards which shall be developed by the State on the basis of cost-finding methods approved and verified by the Secretary.

(i) The State plan shall prescribe requirements for cost finding and cost reporting by providers of long term care facility services under the plan. Under this requirement, the State plan shall:

(A) Specify the inclusive dates of the cost reporting year under this section, which year need not be the same for all providers of long term care facility services under the plan; and specify the beginning date of the first such cost reporting year, which shall be no later than January 1, 1977;

(B) Require that each provider of long term care facility services under the plan compile, after the close of each cost reporting year specified under paragraph (a)(3)(i)(A) of this section, an itemized list of its allowable costs under paragraph (a)(3)(iii) of this section for such cost reporting year, or for the period of participation in the plan, if less than the full cost reporting year, on the basis of generally accepted accounting principles and the accrual method of accounting, except that, for governmental institutions operated on a cash method of accounting, data based on such a method of accounting will be acceptable;

(C) Specify one cost-finding method approved by the Secretary to be used by all providers of skilled nursing facility services, and one cost-finding method approved by the Secretary to be used by all providers of intermediate care facility services, which may be the same cost-finding method for all providers of long term care facility services in the State, and require that, after the close of each cost reporting year as defined in paragraph (a)(3)(i)(A) of this section, each provider of long term care facility services under the plan shall apply such specified cost-finding method to its allowable costs determined under paragraph (a)(3)(i)(B) of this section to ascertain the costs of the various services provided by it under the plan during such cost reporting year. Cost-finding methods specified under 20 CFR 405.453(d) have been approved by the Secretary; other cost-finding methods shall be submitted to the Regional Commissioner for approval;

(D) As of the beginning date of the first cost reporting year under the plan as specified under paragraph (a)(3)(i)(A) of this section, provide for a uniform cost report form to be used by all providers of skilled nursing facility services, and a uniform cost report form to be used by all providers of intermediate care facility services, which may be the same cost report form for all providers of long term care facility services in the State, which cost report form or forms shall require an itemized list of the allowable costs, under paragraph (a)(3)(iii) of this section, and a list of the costs of the various services provided under the plan as determined on the basis of an approved cost-finding method; and require that each provider of long term care facility services under the plan report to the State agency, on the appropriate uniform cost report form, the cost data determined by the facility under paragraphs (a)(3)(i)(B) and (C) of this section, no later than three months after the close of the cost reporting year;

(E) Require that each provider of long term care facility services under the plan maintain, for a period of not less than three years following the date of submission of the cost report form to the State agency under paragraph (a)(3)(i)(D) of this section, financial and statistical records of the period covered by such cost report which are accurate and in sufficient detail to substantiate the cost data reported; and require each provider to make such records available upon demand to representatives of the State agency or of the Department;

(F) Provide that all cost reports submitted by providers under paragraph (a)(3)(i)(D) of this section shall be maintained by the State agency, pursuant to the recordkeeping and reporting requirements of § 205.60 of this chapter, for a period of not less than three years following the date of submission of such reports.

(ii) The State plan shall provide for audits to verify the accuracy and reasonableness of cost reports furnished by providers under paragraph (a)(3)(i) of this section, and shall describe the State's procedures for such audits, which shall meet generally accepted auditing standards. The adoption of audit standards set forth in Health Insurance Manual (HIM–18) issued by the Social Security Administration is recommended, but the State may establish its own standards. Under this requirement, the State plan shall:

(A) Provide procedures for analyzing and auditing the cost reports and financial records of providers and other pertinent documents, which procedures are adequate to verify:

(*1*) That only those expense items that the State has specified as allowable costs under paragraph (a)(3)(iii) of this section have been included by the provider in the computation of the costs of the various services provided by it under the plan under paragraph (a)(3)(i)(C) of this section; and

(*2*) That expenses determined under paragraph (a)(3)(i)(B) of this section, and attributed to proper items of allowable cost under paragraph (a)(3)(i)(C) of this section, have been accurately determined and attributed, and are reasonable.

(B) Provide for analysis, within six months after their submission to the State agency, of all cost reports submitted by providers under (a)(3)(i)(D) of this section to verify, to the extent possible, that the provider has complied with paragraphs (a)(3)(i)(B) and (C) of this section;

(C) Where analysis under paragraph (a)(3)(ii)(B) of this section indicates that a provider has not fully complied with paragraphs (a)(3)(ii)(A)(*1*) and (A)(*2*) of this section, provide for such further auditing of the provider's financial and statistical records or other documents as are needed;

(D) Provide for on-site audit of the financial and statistical records of each participating provider, over a three-year period beginning as of the close of the first cost reporting year as defined in paragraph (a)(3)(i)(A) of this section, during which three-year period no less than one third of the participating long term care facilities are to be audited each year. Such on-site audit shall be sufficiently comprehensive in scope to ascertain whether, in all material respects, the cost report submitted by the provider under paragraph (a)(3)(i)(D) of this section complies with paragraphs (a)(3)(ii)(A)(*1*) and (A)(*2*) of this section. The Regional Commissioner may exempt from this requirement a State which demonstrates to his satisfaction that it has in effect a continuing audit program under which it has completed on-site audits of the financial and sta-

tistical records of all participating long term care facilities in the State during the three-year period immediately preceding the end of the first cost reporting period as defined in paragraph (a)(3)(i)(A) of this section, and that such on-site audits were conducted in accordance with generally accepted auditing standards and were sufficiently comprehensive in scope to determine that only proper items of cost applicable to service furnished under the plan were included in the provider's calculation of its costs, and to determine whether the expenses attributable to such proper items of cost were accurately determined and reasonable;

(E) Provide that, beginning three years after the end of the first cost reporting year, as defined in paragraph (a)(3)(i)(A) of this section (or, in the case of a State exempted by the Regional Commissioner from the requirement of paragraph (a)(3)(ii)(D) of this section, provide that, beginning immediately after the end of the first cost reporting year), on-site audits of the financial and statistical records be performed each year in at least 15 percent of participating facilities, at least five percent of which shall be selected on a random sample basis and the remainder of which shall be selected on the basis of exceptional profiles, which audits shall be sufficiently comprehensive in scope to ascertain whether, in all material respects, the cost report submitted by the provider under paragraph (a)(3)(i)(D) of this section complies with paragraphs (a)(3)(ii)(A)(*1*) and (A)(*2*) of this section;

(F) Provide that, upon conclusion of each audit of a facility under paragraphs (a)(3)(ii)(C), (D), or (E) of this section, the auditor shall submit to the State agency a report of the audit, which report shall meet generally accepted auditing standards and shall declare the auditor's opinion as to whether, in all material respects, the cost report submitted by the provider under paragraph (a)(3)(i)(D) of this section complies with paragraph (a)(3)(ii)(A)(*1*) and (A)(*2*) of this section; and provide that all such reports shall be kept by the State agency, pursuant to the record-keeping and reporting requirements of section 205.60 of this chapter, for a period of not less than three years following the date of submission of such reports.

(G) Provide that overpayments found in audits under this paragraph will be accounted for on the SRS OA–41 report no later than the second quarter following the quarter in which found;

(iii) The State plan shall set forth the items of expense that are allowable costs under the plan. Under this requirement:

(A) Cost of meeting certification standards: Allowable costs shall include all items of expense which providers must incur:

(*1*) In order to meet the definition of skilled nursing facility contained in section 1861(j) of the Social Security Act and in section 249.10(b)(4) of this chapter and 20 CFR 405.127(a), and in order to satisfy the requirements of section 1902(a)(28) of the Act; or in order to meet the definition of intermediate care facility set forth in section 249.10(b)(15) of this chapter; and

(*2*) In order to comply with the standards prescribed by the Secretary for skilled nursing facilities or intermediate care facilities, in regulations under the Social Security Act in §§ 249.33(a)(1), 249.12, and 249.13 of this chapter;

(*3*) In order to comply with requirements established by the State agency responsible for establishing and maintaining health standards, under the authority of § 250.100; and

(*4*) In order to comply with any other requirements for licensing under State law which are necessary for providing skilled nursing or intermediate care facility services, as applicable.

(B) Costs of routine services: Allowable costs shall include all items of expense which providers incur in the provision of routine services. Routine services means the regular room, dietary and nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Examples of expenses that allowable costs for routine services must include are:

(*1*) All general services including but not limited to administration of oxygen and related medications, handfeeding, incontinency care, tray service, and enemas;

(*2*) Items furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins and bed pans;

(*3*) Items stocked at nursing stations or on the floor in gross supply and distributed or used individually in small quantities; such as alcohol, applicators, cotton balls, bandaids, antacids, aspirin (and other non-legend drugs ordinarily kept on hand), suppositories, and tongue depressors;

(*4*) Items which are used by individual patients but which are usable and expected to be available, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs traction equipment, and other durable medical equipment;

(*5*) Special dietary supplements used for tube feeding or oral feeding such as elemental high nitrogen diet, even if written as a prescription item by a physician (because these supplements have been classified by the Food and Drug Administration as a food rather than a drug);

(*6*) Laundry services other than for personal clothing.

(C) Bad debts, charity and courtesy allowances: Bad debts of non-title XIX program patients and charity and courtesy allowances shall not be included in allowable costs.

(D) Purchases from related organizations: Costs applicable to services, facilities, and supplies furnished to a provider by organizations related to the provider by common ownership or control shall not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere. Providers shall be required to identify such related organizations and costs in the State's uniform cost report(s).

(iv) The State plan shall set forth the methods and standards used by the State to determine reasonable cost-related payment rates, and shall set payment rates on the basis of such methods and standards, to be effective no later than January 1, 1978. The State plan shall provide:

(A) Methods and standards that reasonably take into account actual costs of the items of allowable cost set forth in paragraph (a)(3)(iii) of this section, in providing services under the plan, as found and reported under the requirements of paragraph (a)(3)(i) of this section, and as verified by audits under paragraph (a)(3)(ii) of this section. (Payment rates shall not be set lower than the level which the State reasonably finds, or in the case of a prospectively determined rate, the level which the State reasonably expects, to be adequate to reimburse in full such actual allowable costs of a facility that is economically and efficiently operated);

(B) Methods and standards that reasonably take into account economic conditions and trends during the time period covered by the rates;

(C) That payment rates which are determined prospectively will be redetermined at least annually;

(D) Where rates of payment are determined on a class basis, the criteria on which the class and the class rate of payment are determined, which criteria shall be reasonable;

(E) Where rates are determine prospectively for classes of facilities on the basis of the quality of services or level of care provided, with provision for retroactive adjustment downward to a prospectively determined lower rate of payment for facilities in that class with service deficiencies, set forth the service deficiencies on the basis of which payment may be adjusted to the reduced rate. A rate-setting methodology which provides for such a retroactive downward adjustment shall not be subject to the ceiling requirements of paragraph (b)(6)(i) of this section;

(F) Provide in the rate-setting process an opportunity for interested members of the public to review and comment on the proposed rates before they become effective. If the proposed rates or rate formulas contain any provision for retroactive downward adjustments under paragraph (a)(3)(iv)(E) of this section, the State agency in publishing such proposed rates or rate formulas for public comment shall state the circumstances under which an adjustment would be taken and the amount or rate percentage of such adjustment.

(v) The State plan shall provide that the State will pay to a provider of long term care facility services who furnishes services in accordance with the requirements of the State plan the amount determined for services furnished by the provider under the plan, according to the methods and standards set forth in its plan under paragraph (a)(3)(iv) of this section.

(vi) *Definitions.* For purposes of this section, the following definitions apply:

(A) Accrual method of accounting means that revenue is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(B) Cash method of accounting means that revenues are recognized only when cash is received and expenditures for expense and asset items are not recorded until cash is disbursed for them.

(C) Cost-finding means the process of recasting the data derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered. It is the determination of these costs by the allocation of direct costs and proration of indirect costs.

(D) Bad debts are amounts considered to be uncollectable from accounts and notes receivable which were created or acquired in providing services.

(E) Charity allowances are reductions in charges made by the provider of services because of the indigence or medical indigence of the patient.

(F) Courtesy allowances are a reduction in charges in the form of an allowance to physicians, clergy, and others, for services received from the provider. Employee fringe benefits, such as hospitalization and personnel health programs, are not considered to be courtesy allowances.

(G) Generally accepted accounting principles means accounting principles approved by the American Institute of Certified Public Accountants.

(H) Generally accepted auditing standards means auditing standards approved by the American Institute of Certified Public Accountants.

(4) Provide that payments for care or service are not in excess of the upper limits described in paragraph (b) of this section.

(5) Provide that the single State agency will take whatever measures are necessary to assure appropriate audit of records wherever reimbursement is based on costs of providing care or service, or fee plus costs of materials.

(6) Provide assurance that the State agency has access to data identifying the maximum charges allowed and that such data will be made available to the Secretary of Health, Education, and Welfare upon request.

(7) Provide that fee structures will be established which are designed to enlist participation of a sufficient number of providers of services in the program so that eligible persons can receive the medical care and services included in the plan at least to the extent these are available to the general population.

(8) Provide that participation in the program will be limited to providers of service who accept, as payment in full, the amounts paid in accordance with the fee structure.

(9) Provide that any increase in a payment structure that applies to individual practitioner services shall be documented in State manuals or other official files by:

(i) An estimate of the percentile of the range of customary charges to which the revised payment structure equates and a description of the methods used in arriving at the estimate.

(ii) An estimate of the composite average percentage increase of the revised fee structure over its predecessor.

Criteria for meeting Federal requirements pertaining to such payment structures are set forth in paragraph (b)(3)(i)(A) of this section.

(b) *Upper limits.* * * *

(3) *Payments to individual practitioners.* (This applies to services of doctors of medicine, dentistry, osteopathy, and podiatry. At the option of the State, other individual practitioner services may be included.) A payment structure will meet Federal requirements if (as documented in State manuals or other official files):

(i) Payment to the individual practitioner is limited to the lowest of

(A) His actual charge for service;

(B) The median of his charge for a given service derived from claims processed or from claims or services rendered during all the calendar year preceding the start of the fiscal year in which the determination is made; or

(C) His reasonable charge recognized under part B, title XVIII.

(ii) In no case may payment exceed the highest of

(A) Beginning July 1, 1971, the 75th percentile of the range of weighted customary charges in the same localities established under title XVIII during the calendar year preceding the fiscal year in which the determination is made;

(B) The prevailing charge recognized under part B, title XVIII, for similar services in the same locality on December 31, 1970 and found acceptable by the Secretary; or

(C) The prevailing reasonable charge recognized under part B, title XVIII.

(4) *Other noninstitutional services.* The upper limits for payments shall be customary charges which are reasonable. The prevailing charges in the locality for comparable services under comparable circumstances shall set the upper limits for payments. In reviewing prevailing charges for reasonableness, the State agency should consider the combined payments received by providers (for furnishing comparable services under comparable circumstances) from the carriers under part B title XVIII of the Act and benficiaries under such title, and the combined payments received from other third-party insuring organizations and their regular policy holders and subscribers, using whichever of these criteria or other criteria are appropriate to the specific provider service.

(5) *Outpatient hospital services, other inpatient and outpatient facility services, and clinic services.* Customary charges which are reasonable. Schedules of payments established by the State agency shall not exceed the combined payments received by providers (for furnishing comparable services under comparable circumstances) from the intermediaries or carriers under title XVIII and beneficiaries under title XVIII of the Social Security Act.

(6) *Skilled nursing and intermediate care facility services.* (i) Schedules of payments established retrospectively by the State agency, or established prospectively with retrospective adjustment, shall not exceed an upper limit determined in accordance with the principles of reimbursement for provider costs under Part A of title XVIII of the Act. This requirement will be deemed met (A) if the State's payment does not exceed amounts which would have been determined under Medicare in at least 90 percent of the facilities in a random sample of all facilities participating in title XIX, or (B) if the average payments to all facilities within a class do not exceed amounts which would have been determined under Medicare. In the case of providers which are participating in Medicare, the interim rate paid to the facility under Medicare (as adjusted by the State for costs of items and services not covered under the State's plan) may be used to ascertain the upper limit. In the case of providers which are not participating under Medicare, the State need not use Medicare's cost reports or detailed methods of cost finding, nor make a financial audit of the facilities to apply Medicare's reimbursement principles, but the State shall establish schedules of payments which are consistent with the intent that upper limits do not exceed amounts which would be determined using Medicare's principles of cost reimbursement for similar services.

(ii) All schedules of payments established by the State agency shall be subject to the general payment limits established by section 223 of Pub. L. 92-603, which amended sections 1861(v) and 1866 of the Social Security Act, and by implementing regulations at 20 CFR 405.460-405.461.

(iii) In no case may the payment rate for services provided under the plan exceed the facility's customary charges to the general public for such services, except that public facilities rendering such services free of charge or at a nominal charge may be reimbursed according to the principles set forth in paragraph (a)(3) of this section.

(7) *Prepaid capitation arrangements.* The upper limit for payment for services provided on a prepaid capitation basis shall be established by ascertaining what other third parties are paying for comparable services under comparable circumstances. The cost for providing a given scope of services to a given number of individuals under a capitation arrangement shall not exceed the cost of providing the same services while paying for them under the requirements imposed for specific provider services.

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Effective date: The regulations in this section will be effective July 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

(It is hereby certified that the economic and inflationary effects of this

regulation have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: June 29, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: June 30, 1976.

MARJORIE LYNCH
Acting Secretary.

[FR Doc.76-19316 Filed 6-30-76;9:55 am]

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929	$13.30	1930	$16.00

HARRY S. TRUMAN

1945	$11.75	1949	$11.80
1946	$10.80	1950	$13.85
1947	$11.15	1951	$12.65
1948	$15.95	1952–53	$18.45

DWIGHT D. EISENHOWER

1953	$14.60	1957	$14.50
1954	$17.20	1958	$14.70
1955	$14.50	1959	$14.95
1956	$17.30	1960–61	$16.85

JOHN F. KENNEDY

1961	$14.35	1962	$15.55
		1963	$15.35

LYNDON B. JOHNSON

1963–64 (Book I)	$15.00	1966 (Book II)	$14.35
1963–64 (Book II)	$15.25	1967 (Book I)	$12.85
1965 (Book I)	$12.25	1967 (Book II)	$11.60
1965 (Book II)	$12.35	1968–69 (Book I)	$14.05
1966 (Book I)	$13.30	1968–69 (Book II)	$12.80

RICHARD NIXON

1969	$17.15	1972	$18.55
1970	$18.30	1973	$16.50
1971	$18.85	1974	$12.30

GERALD R. FORD

1974	$16.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402