

federal register

TUESDAY, JULY 13, 1976



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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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.J. Res. 49..... Pub. Law 94-344
Joint resolution to amend the joint resolution entitled "Joint resolution to codify

and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America.

(July 7, 1976; 90 Stat. 810)

H.R. 8471..... Pub. Law 94-345

To authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone.

(July 8, 1976; 90 Stat. 814)

H.R. 9291..... Pub. Law 94-346

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations.

(July 8, 1976; 90 Stat. 815)

H.R. 11804..... Pub. Law 94-348
Federal Railroad Safety Authorization Act of 1976.

(July 8, 1976; 90 Stat. 817)

H.R. 13899..... Pub. Law 94-349

To delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the United States Supreme Court.

(July 8, 1976; 90 Stat. 822)

H.R. 12545..... Pub. Law 94-347

Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

(July 8, 1976; 90 Stat. 816)

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

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

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rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3105 is amended to show that 12 additional positions of investigator for special assignments in Treasury's Bureau of Alcohol, Tobacco, and Firearms are excepted under Schedule A.

Effective July 13, 1976, § 213.3105(g) (1) is amended as set out below:

§ 213.3105 Department of the Treasury.

(g) Bureau of Alcohol, Tobacco, and Firearms.

(1) Forty-two positions of investigator for special assignments.

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954-68 Comp., p. 218.)

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

[FR Doc.76-20189 Filed 7-12-76;8:45 am]

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT Employment and Financial Interest Statements

Part 1001 is amended by adding three positions to the list of those which require incumbents to file statements of employment and financial interests and to provide for the review of the statements of the Director of the Federal Employee Appeals Authority and the Director of the Federal Executive Institute by the Chairman of the Civil Service Commission.

Sections 1001.735-401(g) and 1001-735-409(a) are amended as set out below:

§ 1001.735-401 Employees required to submit statements.

(g) Bureau of Management Services.

(1) Director,

(2) Deputy Director,

(3) Director of Personnel and Labor Relations,

(4) Assistant Director, Personnel and Labor Relations,

(5) Chief, Office Services Division,

(6) Chief, Procurement and Operating Facilities Branch,

(7) Chief, Procurement and Property Section,

(8) Chief, Property and Purchasing Unit,

(9) Chief, Publications Section,

(10) Chief, Planning and Scheduling Unit,

(11) Chief, Budget and Finance Division,

(12) Assistant Chief, Budget and Finance Division.

§ 1001.735-409 Review of statements.

(a) The Executive Director, the Deputy Executive Director, the General Counsel, the Deputy General Counsel, the Chairman of the Appeals Review Board, the Director of the Federal Employee Appeals Authority, and the Director of the Federal Executive Institute shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Chairman for review.

(E.O. 11222, 3 CFR 1964-1965 Comp., p. 306; 5 CFR 735.101 et seq.)

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

[FR Doc.76-20190 Filed 7-12-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amtd. 10]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

The regulations governing the determination of eligibility for free or reduced price meals and free milk in schools participating in the National School Lunch Program, School Breakfast Program, and Special Milk Program are amended to expressly provide that a child who is not a member of a family as defined shall be considered a family of one.

This provision is particularly addressed to children in residential child care institutions which, with the passage of Pub. L. 94-105, are eligible for participation in school nutrition programs. Other changes are made for clarification or technical reasons.

The Department believes the proposed rulemaking and public participation procedures unnecessary and impracticable in order that residential child care institutions may expeditiously proceed with their determinations of eligibility of children for free or reduced price meals and

free milk. Accordingly, the regulations are hereby amended as follows:

§ 245.1 [Amended]

1. In § 245.1, paragraph (b) is amended to delete the word "educational".

2. In § 245.2, paragraphs (a) and (f-1) are revised to read as follows:

§ 245.2 Definitions.

(a) "Commodity only school" means a school which does not participate in the National School Lunch Program under part 210 of this chapter, but which enters into an agreement as provided in § 210.15 a(b) to receive commodities donated under part 250 of this chapter for a non-profit lunch program.

(f-1) "Milk" means pasteurized fluid types of unflavored or flavored whole milk, lowfat milk, skim-milk, or cultured buttermilk which meet State and local standards for such milk except that, in the meal pattern for infants (0 to 1 year of age) milk means unflavored types of whole fluid milk or an equivalent quantity or reconstituted evaporated milk which meet such standards. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands, if a sufficient supply of such types of fluid milk cannot be obtained, "milk" shall include reconstituted or recombined milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and consistent with State and local standards for such milk.

§ 245.3 [Amended]

3. In § 245.3, paragraph (a) is amended to delete the words "at the beginning of each fiscal year", and to insert the words "by July 1 of each year" in lieu thereof; and paragraph (c) is amended by adding the following sentence after the second sentence thereof: " * * * When a child is not a member of a family as defined in § 245.2(b), the child shall be considered a family of one. * * *"

§ 245.5 [Amended]

4. In § 245.5, paragraph (a) is amended by inserting after the words "boarding schools", the words "schools as defined in § 210.2(o)(2) of Part 210 of this chapter,".

Effective date: This amendment shall become effective on July 9, 1976.

Dated: July 8, 1976.

JOHN DAMGARD,
Assistant Secretary.

[FR Doc.76-20238 Filed 7-9-76;11:42 am]

[Amdt. No. 87]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS**Food Stamp Program****Correction**

In FR Doc. 76-19088 appearing at page 27365, in the FEDERAL REGISTER of Friday, July 2, 1976 the following corrections should be made:

1. On page 27366, in the table, in the column for "7 persons" the figure "220" in the third to last line should read "226".

2. On page 27367, in the table, in the column for "8 persons" the figures "12" and "29" in the seventh and eighth lines should read "19" and "22".

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

[Valencia Orange Reg. 534, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**Limitation of Handling**

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 2-8, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 534 (41 FR 27076). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia

oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 908.834 (Valencia Orange Regulation 534 (41 FR 27076)) are hereby amended to read as follows:

- (i) District 1: 270,000 cartons;
- (ii) District 2: 330,000 cartons.

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

Dated: July 8, 1976.

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

[FR Doc. 76-20197 Filed 7-12-76; 8:45 am]

[Nectarine Reg. 7, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA**Minimum Grade and Size Regulations**

This amendment extends the grade and size requirements contained in Nectarine Regulation 7 through May 31, 1977. Said regulation will expire on July 21, 1976, unless extended. Nectarine Regulation 7 prescribes that shipments of California nectarines grade U.S. No. 1 except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, and (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen. The regulation also prescribes minimum sizes for 45 named varieties. The extension of the effective period of Nectarine Regulation 7 is designed to maintain orderly marketing conditions and provide consumers with an ample supply of acceptable-quality fruit.

Notice was published in the FEDERAL REGISTER on June 9, 1976 (41 FR 23207), that consideration was being given to a proposal to amend Nectarine Regulation 7 (§ 916.349; 41 FR 20545), effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Nectarine Administrative Com-

mittee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that all written data, views, or arguments in connection with Nectarine Regulation 7 or the proposed amendment thereof be submitted by June 30, 1976. None were received.

The amendment reflects the Department's appraisal of the need for regulation of shipments of California nectarines during the aforesaid period based on the available supply and current and prospective market conditions. Fresh shipments of California nectarines from the 1976 crop are estimated at 9,957,000 packages compared to 9,595,000 packages last season. The minimum grade and size requirements specified for California nectarines are consistent with the quality and size composition of the estimated crop of nectarines. The amendment is necessary to ensure the continued shipment of nectarines which satisfy the demands of the fresh fruit market. The amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of California nectarines, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on June 9, 1976 (41 FR 23207), and no objection to such amendment was received; (2) the regulatory provisions are the same as those contained in said notice; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 916.349 (Nectarine Regulation 7; 41 FR 20545) the provisions of paragraph (a) preceding paragraph (a) (1) thereof are amended to read as follows:

§ 916.349 Nectarine Regulation 7.

(a) During the period June 1, 1976, through May 31, 1977, no handler shall handle:

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

Dated: July 8, 1976, to become effective July 21, 1976.

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

[FR Doc. 76-20195 Filed 7-12-76; 8:45 am]

[Apricot Reg. 16]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON
Limitation of Shipments

This regulation specifies grade, maturity and size requirements for Washington Apricots during the 1976 season. These apricots are to grade at least Washington No. 1, be reasonably uniform in color and measure at least 1 5/8 inches in diameter, except Blenheim, Blenril, and Tilton varieties, in unlidded containers, may have minimum diameter of 1 1/4 inches. In addition, the Moorpark variety in open containers is required to be generally well matured. A minimum quantity exemption is provided. These requirements are designed to provide consumers with an ample supply of acceptable quality apricots.

Notice was published in the FEDERAL REGISTER issue of June 18, 1976, (41 FR 24716) indicating that the Department was considering a regulation proposed by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended, (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice allowed interested persons until June 28, 1976, to submit written data, views or arguments pertaining thereto. None were submitted. After consideration of all relevant matters presented, it is hereby found that the regulation as hereinafter set forth will tend to effectuate the declared policy of the act.

Total 1976 production is expected to be 2,530 tons, compared with 3,000 tons in 1975. The regulation is designed to prevent the handling on and after July 15, 1976, of low quality and small size apricots which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties when mature. There is a demand for fruit meeting the foregoing specifications in the local markets. Due to the nearness to the source of supply, shipment of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall return to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempt from regulations because such shipments will be prevented from entering regulated channels of trade by the requirement that each container therein be stamped with

the words "not for resale" in letters at least one-half inch in height.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such apricots will be in progress at the effective date hereof and this regulation should be applicable to all shipments in order to effectuate the declared policy of the act; (2) notice of proposed rulemaking concerning this regulation was published in the FEDERAL REGISTER (41 FR 24716) and no objection to this regulation was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 922.316 Apricot Regulation 16.

(a) Apricot regulation 15 (40 FR 30270) is terminated July 14, 1976.

(b) During the period July 15, 1976, through July 31, 1977, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1 5/8 inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1 1/4 inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) Terms used in the amended marketing agreement and order shall when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual containers do not show sufficient variation in color to ma-

terially affect the general appearance of the apricots; and "generally well matured" means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart of Apple and Pears in the Western States.

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

Dated: July 8, 1976.

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

[FR Doc.76-20196 Filed 7-12-76; 8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 4]

PART 1004—MILK IN THE MIDDLE ATLANTIC 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 Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 26705) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

§ 1004.7 [Amended]

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of June and July 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act: In § 1004.7 (a), the language that reads "not less than 50 percent."

STATEMENT OF CONSIDERATION

This action suspends for the months of June and July 1976 the requirement that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as Class I milk.

Such action is necessary to assure that producers who are regular suppliers of milk for the fluid market will continue to have their milk pooled and priced under the order. Unusually large quantities of milk normally associated with distributing plants for Class I use are having to be diverted to manufacturing plants for Class II use. Because of this, it is probable that less than 50 percent of the milk supplies associated with one or more

distributing plants in the market will be used in Class I. This will preclude the plants from meeting the current pooling standards and thus will cause the milk associated with the plants to be excluded from the pool.

The suspension was requested by Maryland Cooperative Milk Producers, Inc., the major suppliers of milk distributors in the Baltimore segment of the market. Handlers being supplied by the cooperative are experiencing a decline in their Class I sales. At the same time, production of the cooperative's individual members is increasing. This supply-demand imbalance has necessitated substantial diversions of milk in June, and such imbalance is expected to prevail in July also. The suspension is thus necessary to ensure against the risk of depooling distributing plants and milk of producers normally associated with the fluid market.

Interested parties were given an opportunity to file views, data, and arguments relative to this suspension. Opposition to the suspension was expressed by several Pennsylvania handlers who were brought under regulation when the marketing area was expanded June 1, 1975. The handlers contend that pooling the increased production will "dilute" the pool to the disadvantage of those producers who deliver milk to plants with high Class I utilization. They argue that order changes should be made only after a hearing.

The opposing arguments should not be overriding in this matter. The additional milk supplies on the market are not the result of new producers coming onto the market but rather the result of increased production of those producers who have been regularly supplying the market's fluid needs, with such increases coming at a time of declining Class I sales. Orderly marketing requires immediate suspension action to maintain the association of these producers with the market. A hearing simply will not accommodate the urgency of the situation.

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 in that substantial quantities of milk of producers who regularly supply the fluid market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective July 13, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of June and July 1976.

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

Effective date: July 13, 1976.

Signed at Washington, D.C., on July 7, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-20139 Filed 7-12-76;8:45 am]

Title 14—Aeronautics and Space
CHAPTER II—CIVIL AERONAUTICS BOARD
[Amdt. 1; Regulation ER-954]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Organizational Amendment; Correction

Effective: July 23, 1976.

Adopted: June 17, 1976.

The Zip Code of the Board's Field Office in Alaska, which appears on pages 2 and 3, (41 FR 25889; June 23, 1976) should read "99501" in lieu of "99051."

By the Civil Aeronautics Board.

Dated: July 6, 1976.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-20176 Filed 7-12-76;8:45 am]

Title 19—Customs Duties
CHAPTER I—UNITED STATES CUSTOMS SERVICE
[T.D. 76-193]

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

American Selling Price of Certain Footwear

On December 19, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 58859), which proposed to amend § 152.24 of the Customs Regulations (19 CFR 152.24) to set forth procedures for determining the American selling price of footwear classifiable under item 700.60, Tariff Schedules of the United States (19 U.S.C. 1202).

Section 152.24(a) of the Customs Regulations currently provides that the value of certain types of footwear provided for in item 700.60, Tariff Schedules of the United States, shall be determined on the basis of the American selling price of like or similar domestic footwear. The amendment proposed in the notice of December 19, 1975, provided that in order to ensure consideration of their merchandise in making a determination on the existence or nonexistence of an American selling price, domestic producers of such footwear should furnish the Area Director, New York Seaport Area, with catalogs, price lists, and, if requested by the Area Director, samples of their footwear to enable the Customs Service to make the most accurate determination possible on the applicability of an American selling price. As proposed, importers of footwear classifiable under item 700.60, Tariff Schedules of the United

States, would be required to furnish Customs at the port of entry with a sample from the first commercial shipment of each make of such footwear. The samples would then be forwarded to the Area Director, New York Seaport Area, for a determination on the American selling price.

The proposed amendment also provided that importers or domestic producers who disagreed with the Area Director's determination regarding the existence or nonexistence of an American selling price could request that the Area Director seek advice from Headquarters, United States Customs Service.

Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposal. After consideration of all the comments received, the following changes were made in the proposed amendment:

1. Section 152.24(c)(1) has been changed by substituting the word "shall" for the word "should" wherever the latter word appears in that paragraph to make it clear that the submission of certain information (and, when requested, samples) by an interested domestic producer is mandatory.

2. Section 152.24(c)(3) has been changed to provide that the Area Director may notify the representative(s) of the importer and domestic producer(s), rather than the importer or producer itself, where appropriate, in order to expedite the conclusion of the American selling price inquiry.

3. Section 152.24(c)(4) has been changed to extend the period for examination of samples by importers and domestic producers (or their representatives) from 15 to 30 days.

4. Section 152.24(c)(5) has been changed to provide for the notification of either the importer or the domestic producer when the other requests that internal advice be sought from Headquarters, United States Customs Service.

Accordingly, the amendment to § 152.24 of the Customs Regulations (19 CFR 152.24), modified to include these changes and other changes of a clerical nature, is adopted as set forth below.

Effective date: This amendment shall become effective August 12, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: July 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

Section 152.24 is amended by adding a new paragraph (c) to read as follows:

§ 152.24 American selling price.

(c) *Determination of American selling price of footwear classifiable under item 700.60, Tariff Schedules of the United States.—(1) Submission of samples, catalogs, and price lists by domestic producers.* In order to ensure consideration of their merchandise in making a determination regarding the existence

or nonexistence of an American selling price, domestic producers of footwear of the same class or kind as that classifiable under item 700.60, Tariff Schedules of the United States (19 U.S.C. 1202), shall furnish the Area Director, New York Seaport Area, with all catalogs and price lists covering such footwear. If any catalogs or price lists furnished to the Area Director have been revised or amended, such revisions or amendments shall be forwarded promptly to the Area Director, New York Seaport Area. At the request of the Area Director, New York Seaport Area, domestic producers shall furnish samples of footwear of the same class or kind as that provided for in item 700.60. Accompanying the catalogs and price lists shall be a certification by the domestic producer, in substantially the following form, verifying that the footwear products covered are freely offered for sale for domestic consumption at the prices shown:

CERTIFICATION

I hereby certify that the enclosed information on production and price of footwear truly and accurately represents a presently produced article, freely offered for sale for domestic consumption to all purchasers at _____ (place where the greatest number of individual sales takes place), in the ordinary course of trade, in the usual wholesale quantities, without restrictions as to the disposition, use, or resale price of the merchandise by the purchasers.

I further certify that I will submit information regarding any change in the status of this product as it occurs.

 (signed)

 (title)

 (company)

 (date)

The Area Director may, at his discretion, request the Regional Director (Investigations) to verify by investigation all representations made in regard to any samples, catalogs, and price lists submitted.

(2) *Submission of samples by importers.* Importers of footwear classifiable under item 700.60, Tariff Schedules of the United States, shall furnish the appropriate Customs officer at the port of entry with a sample from the first commercial shipment of each model or style of such footwear imported into the United States. The samples will then be forwarded to the Area Director, New York Seaport Area, for determination of the American selling price.

(3) *Notification of Area Director's determination.* When the Area Director, New York Seaport Area, has determined the American selling price applicable to a particular sample, or has determined that the footwear is not like or similar to a domestic product and therefore not subject to appraisement on the basis of American selling price, he shall notify the importer and domestic producers of the same class or kind of footwear, or their representatives, of this determination. He shall not provide information

with respect to the manufacturer, importer, or price of the imported product.

(4) *Examination of samples.* Within 30 days of notification of the Area Director's determination in regard to the applicability of an American selling price, the importer and domestic producers (or their representatives) shall have an opportunity to examine representative samples of the footwear submitted by the importer and domestic producers which were considered by the Area Director in making his determination.

(5) *Request by importer or domestic producers that the Area Director seek internal advice.* The importer or domestic producers may, if they disagree with the Area Director's determination regarding the applicability of an American selling price, request that the Area Director seek internal advice from Headquarters, United States Customs Service, in accordance with the procedures set forth in section 177.11 of this chapter, provided the request by the importer or the domestic producers is received within 30 days of notification of the Area Director's determination. When one party in interest (either the importer or the domestic producers) seeks internal advice from Headquarters, Customs shall notify the other party in interest of that action.

(Sec. 336, 46 Stat. 701, as amended, 77A Stat. 332, as amended (19 U.S.C. 1202 (Schedule 7, Part 1A, headnote 3(b), Tariff Schedules of the United States), 1336).)

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

[FR Doc.76-20179 Filed 7-12-76;8:45 am]

[T.D. 76-192]

PART 159—LIQUIDATION OF DUTIES

Waiver of Countervailing Duties; Leather Handbags from Brazil

In T.D. 76-3, published in the FEDERAL REGISTER of January 12, 1976 (41 FR 1741), it was determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), as amended, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of leather handbags from Brazil.

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 steps have been taken to reduce substantially the adverse effects of the bounties or grants. Specifically, the Government of Brazil has agreed to eliminate the general export incentive program applicable to handbags. This program consists of the granting on export of tax credits, equal to the state (ICM) and federal (IPI) value-added type taxes, over and above the normal rebate of those taxes. These credits can be used in limited circumstances to pay domestic tax liabilities. Therefore the countervailable bounty or grant is less than the nominal amount of the credit granted. On June 24, 1976, the Government of Brazil took the necessary measures to lower the ICM tax credits on leather handbags from 12 percent to 4 percent, ad valorem. The new rate will become effective on handbags exported on or after July 1, 1976. The Government of Brazil has agreed to eliminate the ICM tax credits on leather handbags by January 1, 1977.

The IPI tax credits on leather handbags will be lowered from 12 percent to 8 percent by January 1, 1977. These tax credits will be further reduced to 4 percent by July 1, 1977 and eliminated by December 31, 1977.

Together the ICM and IPI tax credits account for virtually all of the bounty or grant determined to be paid or bestowed by the Government of Brazil on exports of leather handbags.

After consulting with appropriate agencies, including the Department of State and the Office of Special Representative for Trade Negotiations, 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 leather handbags from Brazil 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 pursuant to T.D. 76-3 on leather handbags exported from Brazil on or after July 1, 1976.

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 the date of publication in the FEDERAL REGISTER of 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 leather handbags from Brazil in accordance with T.D. 76-3.

§ 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 for Brazil under the commodity heading "Leather Handbags" 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, as amended, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; (19 U.S.C. 66, 1303, 1624).)

Dated: JULY 7, 1976.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-20183 Filed 7-12-76; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

New Mexico—Approval of Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On December 10, 1975, a notice was published in the FEDERAL REGISTER of the approval of the New Mexico plan and of the adoption of Subpart DD of Part 1952 describing the plan. On May 7, 1976, the State of New Mexico submitted a supplement involving a developmental change (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the New Mexico State poster which is to be posted at all covered workplaces in the State. In the private sector the Federal Poster must be displayed concurrently until such time as the state has become operational as defined in 29 CFR 1954.3(b). Among other things, the poster contains provisions notifying employers and employees of their obligations and protections under the New Mexico Act, the employees'

right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws; and the employers' and employees' right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202; Environmental Improvement Agency, Occupational Radiation Protection Division, P.O. Box 2348, PERA Building, Room 506, Santa Fe, New Mexico 87503.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the New Mexico poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (89 FR 39306, November 5, 1974). Accordingly, it is believed that further public comment is unnecessary.

5. *Decision.* After careful consideration, the New Mexico plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally including 29 CFR 1952.10(a)(2). In addition, Subpart DD of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart DD of Part 1952 is amended by adding a new section as follows:

§ 1952.364 Completed developmental steps.

In accordance with the requirements of § 1952.10, the New Mexico State poster was approved by the Assistant Secretary on July 2, 1976.

(Secs. 8(g)(2), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 2d day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20184 Filed 7-12-76; 8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Wyoming Plan—Approval of Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 15394) of the approval of the Wyoming plan and the adoption of Subpart BB to Part 1952 containing the decision. On May 17, 1976, the State of Wyoming submitted a supplement containing the Wyoming Management Information System.

2. *Description of the Supplement.* The supplement consists of Wyoming's Management Information System which is operated as a manual system. The system provides, among other things, data on the various types of inspections, number and type of violations, amounts of proposed penalties and collection of penalties, employee complaints, training, time utilization, contested cases, and special programs.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable laws. The Assistant Secretary finds that the plan supplement described above is consistent with commitments contained in the approved plan, which were previously made available for public comments. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the Wyoming plan supplement outlined above is hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart BB of 29 CFR Part 1952 is hereby amended to reflect this approved plan change. Accordingly, § 1952.344 of Subpart BB is hereby amended by adding a new paragraph (c) as follows:

§ 1952.344 Completed developmental steps.

(c) In accordance with § 1952.343(d), Wyoming has developed and implemented a Management Information System.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 687).)

Signed at Washington, D.C., this 2d day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20185 Filed 7-12-76; 8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS: MILITARY RESERVATIONS

Redesignation and Revision of Military Reservations in the Canal Zone

Correction

In FR Doc. 76-18289, appearing at page 26148 in the issue for Thursday, June 24, 1976 make the following corrections:

1. In § 5.21(c), the sixth paragraph, the 14th line beginning "Due west, 7,133.7 * * *" should read "Due west, 7,113.7 * * *".

2. In § 5.21(c), the 112th paragraph, the 14th line beginning "2,64.4 feet * * *" should read "2,564.4 feet * * *".

3. In § 5.21(h), the 14th paragraph, the 15th line reading "Boundary of 193rd Infantry Brigade (C.Z.)," should read "Panama Canal Military Reservation".

4. In § 5.21(j), the eighth paragraph, the last line reading "tude 79°37' W., plus 5.616.2 feet;" should read "tude 79°37' W., plus 5,616.2".

5. In § 5.21(n), the fourth paragraph, the fifth line beginning "13-B and N.F.C. are 1-inch * * *" should read "13-B and N.F.C. are 8-inch * * *".

6. In § 5.31(l), the tenth paragraph, the third line beginning "ments Nos. G.F. 2-1, * * *" should read "ments Nos. G.F. 22-1, * * *", and the fifth line beginning "pipes, to monument No. C.F. 27, * * *" should read "pipes, to monument No. G.F. 27, * * *".

7. In § 5.41(f), the 14th paragraph, the first line beginning "N. 58°02'30" E., 224.7 * * *" should read "N. 58°02'30" E., 244.7 * * *".

8. In § 5.41(f), the 28th paragraph, the second line, after the word "the" add the word "south".

9. In § 5.51, the 25th paragraph, the last line beginning "feet and longitude 79°33' * * *" should read "feet and longitude 79°33' W. * * *".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-611; RM-2662]

PART 1—PRACTICE AND PROCEDURE

Memorandum Opinion and Order

By the Commission:

In the Matter of Amendment of § 1.24,

Rules of Practice and Procedure, regarding removal of counsel from a hearing proceeding.

1. On June 24, 1975, the Federal Communications Bar Association filed a petition for rule making asking that the Commission adopt procedures applicable to the removal of counsel from proceedings before an administrative law judge or the Review Board. Public notice of its filing was given on July 15, 1975. No statements supporting or opposing the petition were filed.

2. Under the suggested procedures, the attorney would appeal the ruling; the reviewing authority would direct the judge or the Board, as the case may be, to prefer charges against the attorney, supported by a bill of particulars; the attorney would respond; and the proceeding would be stayed pending action on review or "until new counsel appears."

3. The petition is lacking in merit and is denied. The suggested procedures would place the presiding judge (or the Board) and counsel for a party in adversary positions in a matter relating to a pending adjudicatory proceeding. The role of prosecutor of counsel for a party is irreconcilable with the role of judge. The proposed amendment of § 1.24 (censure, suspension, or disbarment of attorneys), moreover, mistakenly confuses the removal of counsel from a proceeding with disciplinary action against counsel for conduct upon which his removal was based. Removal of counsel is not a disciplinary action; its purpose is to preserve decorum and to permit the hearing to proceed. Disciplinary matters are dealt with separately under § 1.24 in proceedings involving a full evidentiary hearing. We do not agree, finally, that the hearing should be stayed pending the outcome of review proceedings or "until new counsel appears." (To the extent that removal is confused with disciplinary proceedings, the stay could be for the duration of such proceedings). The prolonged delay occasioned by such proceedings would be unfair to other parties and contrary to the public interest. In such circumstances, the rights of parties and the public properly take precedence over the rights of counsel. Moreover, the scheduling of hearing sessions cannot properly depend on the client's decision to obtain new counsel; his interests may be served by delay.

4. Although we deny the petition, for the reasons stated, we agree that the Rules should specify procedures applicable to the removal of counsel. We are amending § 1.301(a) to provide for appeal as a matter of right, by counsel on his own behalf or by his client, from a ruling removing counsel from a hearing. It is also provided that the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case. The same procedures will apply if counsel is removed from proceedings before the Review Board.

5. In view of the foregoing, the petition for rule making filed by the Federal Communications Bar Association is denied; § 1.301 is amended, effective July 14, 1976

as set out below; and this proceeding is terminated. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the amendment involves a matter of procedure, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

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

Adopted: June 29, 1976.

Released: July 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.301 (a) (5) is added, to read as follows:

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

(a) * * *

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. (In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case).

[FR Doc.76-20160 Filed 7-12-76; 8:45 am]

[Docket No. 20575; RM-2462]

PART 73—RADIO BROADCAST SERVICES
FM Table of Assignments; Pa.

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations, (Pittston, Pennsylvania).

1. The Commission has before it the Notice of Proposed Rule Making, adopted August 6, 1975, 40 FR 34394, inviting comments on a proposal by WTJK Broadcasting Corporation, which is not the licensee of any AM, FM, or TV station, to amend the FM Table of Assignments by assigning Channel 272A to Pittston, Pennsylvania. The adoption of this proposal would not require any other changes in the FM Table of Assignments. An opposition to the petition for rule making was filed by WBAX, Inc., licensee of AM Station WBAX at Wilkes-Barre, Pennsylvania; but WBAX did not respond to the Notice's invitation to submit comments. The only comments filed regarding this proposal were those of the petitioner.

2. Pittston, with a population of 11,113, is located in the northeastern part of Luzerne County (pop. 342,301) and is situated approximately 7 miles northeast of Wilkes-Barre, Pennsylvania, in its Urbanized Area (pop. 222,830). At the present time, local aural service consists solely of daytime AM Station WPTS, which is licensed to Ward Broadcasting Corporation.

3. Petitioner alleges that adoption of this proposed assignment would give Pittston its first local nighttime service

as well as its first FM channel. However, a question was raised in the Notice as to whether or not the proposed assignment was designed to serve the needs of Pittston or nearby Wilkes-Barre.¹ Unlike the P.A.L. case, petitioner is not the licensee of an AM station at Wilkes-Barre and thus does not propose to duplicate the programming of its Wilkes-Barre AM station. Petitioner's station would be independent, operating on a Class A channel (unlike the Wilkes-Barre stations which operate on Class B channels) and would not encompass Wilkes-Barre with a city-grade signal. Such coverage of Wilkes-Barre as it would have is the result of the applicable spacing requirements which require use of a site in a small area near Pittston. Use of this site would not bring the station significantly closer to Wilkes-Barre than Pittston itself is. All of this information supports the view that the station would be designed to serve Pittston. Therefore, we do not believe that this matter constitutes an impediment to the proposed assignment.

4. We further believe, based on the comments of WTJK, that the public interest would be served by the assignment of Channel 272A to Pittston, Pennsylvania, because this would provide for a first local nighttime aural service to Pittston. This is consistent with priorities used in establishing the FM Table of Assignments in 1963—that, insofar as possible, an FM broadcast station should be assigned where the community has only a daytime-only AM station. Further Notice of Proposed Rule Making, Docket No. 14185 adopted July 25, 1962 (FCC 62-867), incorporated by reference in paragraph 25 of the Third Report Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963). In addition, this assignment would not create any preclusion on adjacent channels. Although there will be preclusion in Channel 272A, there are no communities in the precluded area with a population greater than 2,500 persons.

5. Accordingly, it is ordered, That effective August 12, 1976, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended insofar as the city below to read as follows:

§ 73.202 [Amended]

City	Channel No.
Pittston, Pa.....	272A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications

¹Reference was made to P.A.L. Broadcasters, Inc., 40 F.C.C. 2d 546 (1973), a case which involved an application for an FM station at Pittston which was viewed as an attempt to obtain what amounted to a Wilkes-Barre station. As mentioned below, this case does not involve the same points which gave rise to the conclusion that the intent was to serve Wilkes-Barre. In the present case, petitioner's references are to serving Pittston and its smaller environs rather than Wilkes-Barre, and our study of the relevant engineering data provides confirmation of this statement.

Act of 1934, as amended, and § 0.281(b) (6) of the Commission's Rules.

7. Since Pittston, Pennsylvania, is within 250 miles of the U.S.-Canadian border, Canadian concurrence, pursuant to the 1947 Canadian-United States Working Agreement, of the assignment herein is required. Canadian approval of the assignment has been obtained.

8. It is further ordered, That this proceeding is terminated.

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

Adopted: June 29, 1976.

Released: July 9, 1976.

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

[FR Doc.76-20163 Filed 7-12-76;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

[FRL 582-8; FAP6H5116/R27]

PART 561—TOLERANCES FOR PESTICIDE IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

S-[2-(Ethylsulfanyl)ethyl]O,O-Dimethyl Phosphorothioate

On March 12, 1976, the Environmental Protection Agency (EPA) gave notice in the FEDERAL REGISTER (41 FR 10709) that Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed a food additive petition (FAP 6H5116). This petition proposed that 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide S-[2-ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate on growing sorghum with a tolerance limitation for residues of the insecticide in the processed feed sorghum bran of 2.25 parts per million (ppm). Mobay Chemical Corp. subsequently amended the petition by revising the phrase " * * * in the processed feed sorghum bran" to read " * * * in the milled fractions of sorghum (except flour)" and by decreasing the proposed tolerance limitation to 2.0 ppm.

NOTE.—A related document concerning the establishment of tolerances for residues of this pesticide in or on the raw agricultural commodities sorghum grain and forage appears elsewhere in today's FEDERAL REGISTER.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.). It has been determined, therefore, that 21 CFR 561 should be amended as proposed.

Any person adversely affected by this regulation may, on or before August 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in triplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 13, 1976, 21 CFR Part 561 is amended by adding the new § 561.234 as set forth below.

Dated: July 9, 1976.

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

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

21 CFR Part 561 is amended by adding the new § 561.234 to read as follows:

§ 561.234 S-[2-(ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate.

A tolerance of 2.0 ppm is established for combined residues of the insecticide S-12-(ethylsulfanyl)ethyl O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in the milled fractions of sorghum (except flour) for animal feed when present therein as a result of application of the insecticide to growing sorghum.

[FR Doc.76-20345 Filed 7-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 583-2; PP 5F1643 and 5F1644/R106]

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

S-[2-(Ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate

On July 25, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 31259) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed two pesticide petitions (PP 5F1642 and 5F1644). Pesticide petition 5F1643 proposed that 40 CFR 180.330 be amended by establishing tolerances for combined residues of the insecticide S-12-(ethylsulfanyl)ethyl O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities safflower at 1.0 part per million (ppm) and grapes at 0.1 ppm and by increasing the current tolerances in or on apples, blackberries, head lettuce, raspberries, strawberries, and turnip greens (tops) from 1 ppm to 2.0 ppm. No comments were received with regard to this notice of filing, and Chemagro Agricultural Div. subsequently amended the

petition by withdrawing the request for an increased tolerance in or on apples.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed uses, and there is no reasonable expectation of residues in eggs and poultry as delineated in 40 CFR 180.6(a)(3). It has been concluded, therefore, that the regulation established by amending 40 CFR 180.330 will protect the public health, and it has been determined that the tolerances should be established as set forth below.

NOTE.—Pursuant to 40 CFR 180.32, a notice proposing that 40 CFR 180.330 be amended by increasing the established tolerance for blackberries, head lettuce, raspberries, strawberries and turnip tops from 1 ppm to 2.0 ppm appears elsewhere in today's FEDERAL REGISTER.

Pesticide petition 5F1644 also proposed that 40 CFR 180.330 be amended by the establishment of tolerances for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate (although in the notice of filing, 40 FR 31259, the chemical name was incorrectly given as "phosphorodithioate") and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sorghum grain at 0.5 ppm, sorghum forage at 1.0 ppm, wheat grain at 0.4 ppm, and wheat straw at 11.0 ppm. Chemagro Agricultural Div. subsequently amended the petition by withdrawing the request for tolerances in or on wheat straw and wheat grain and by increasing the proposed tolerances in or on sorghum grain from 0.5 ppm to 0.75 ppm and in or on sorghum forage from 1.0 ppm to 2.0 ppm. No comments were received with regard to this notice of filing.

NOTE.—A related document concerning the establishment of a food additive regulation containing a tolerance limitation for residues of S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in sorghum milled fractions (except flour) appears elsewhere in today's FEDERAL REGISTER.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered

to be useful for the purpose for which the tolerances are sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). It has been concluded, therefore, that the tolerances established by amending 40 CFR 180.330 will protect the public health, and it has been determined that the tolerances should be established as set forth below.

Any person adversely affected by this regulation may, on or before August 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 13, 1976, Part 180, Subpart C, § 180.330 is revised as set forth below.

Dated: July 9, 1976.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

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

Title 40, Part 180, Subpart C, section 180.330 is revised by adding tolerances for residues of the insecticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities grapes at 0.1 ppm, safflower at 1.0 ppm, sorghum forage at 2.0 ppm, and sorghum grain at 0.75 ppm, and by reformatting the section into an alphabetized columnar listing to read as follows:

§ 180.330 S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate; tolerances for residues.

Tolerances are established for residues of the pesticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites on the following raw agricultural commodities.

Commodity:	Parts per million
Alfalfa, chaff, for seed	11
Alfalfa, green	5
Alfalfa, hay, for seed	11
Apples	1
Beans, lima	0.5
Beans, snap	0.5
Beans, lima, forage	2
Beans, snap, forage	2
Beets, sugar	0.3
Beets, sugar, tops	0.5
Blackberries	1
Broccoli	1
Brussels sprouts	1
Cabbage	1
Cattle, fat	0.01
Cattle, mbypp	0.01
Cattle, meat	0.01
Cauliflower	1
Clover, chaff, for seed	11
Clover, green	5
Clover, hay, for seed	11
Corn, fodder	3
Corn, forage	3
Corn, fresh (inc sweet K + CWHR)	0.5
Corn, grain	0.5
Cottonseed	0.1
Cucumbers	1
Eggplant	1
Goats, fat	0.01
Goats, mbypp	0.01
Goats, meat	0.01
Grapefruit	1
Grapes	0.1
Hogs, fat	0.01
Hogs, mbypp	0.01
Hogs, meat	0.01
Horses, fat	0.01
Horses, mbypp	0.01
Horses, meat	0.01
Lemons	1
Lettuce, head	1
Melons	0.3
Milk	0.01
Mint, hay	12.5
Oranges	1
Pears	0.3
Peas	0.3
Peas, forage	2
Peas, hay	8
Peppers	0.75
Plumbs (fresh prunes)	1
Potatoes	0.1
Pumpkins	0.3
Raspberries	1
Safflower	1.0
Sheep, fat	0.01
Sheep, meat	0.01
Sorghum, forage	2.0
Sorghum, grain	0.75
Squash, summer	1
Squash, winter	0.3
Strawberries	1
Turnips	0.3
Turnips, tops	1
Walnuts	0.3

[FR Doc.76-20347 Filed 7-12-76;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 TREASURY

Internal Revenue Service

[26 CFR Part 1]

DIVIDEND TREATMENT FOR CERTAIN DISTRIBUTIONS BY CONTROLLED FOREIGN CORPORATIONS AND LIMITATION OF THE DEFINITION OF FOREIGN BASE COMPANY SALES INCOME WITH RESPECT TO CERTAIN AGRICULTURAL COMMODITIES

Public Hearing on Proposed Regulations

Proposed regulations under sections 851 and 954 of the Internal Revenue Code of 1954, relating to dividend treatment for certain distributions by controlled foreign corporations and limitation of the definition of foreign base company sales income with respect to certain agricultural commodities, appear in the FEDERAL REGISTER for May 14, 1976 (41 FR 19970).

A public hearing on the provisions of such proposed regulations will be held on August 12, 1976, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 2, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 6, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address.

The charge for copies is ten cents (\$.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on August 11, 1976, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and
Regulations Division.

[FR Doc.76-20203 Filed 7-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED PLUMS

Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering amending the United States Standards for Grades of Canned Plums (7 CFR 52.1781-52.1798).

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than August 12, 1976 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED AMENDMENTS

In the FEDERAL REGISTER of February 7, 1975 (40 FR 5774) the Food and Drug Administration published an order to amend the standard of identity for canned plums (21 CFR 27.45) and to establish standards of quality (21 CFR

27.46) and fill of container (21 CFR 27.47) for canned plums. A confirmation of effective date was published in the FEDERAL REGISTER of July 9, 1975 (40 FR 28791) which permitted an optional period of compliance to begin on March 11, 1975 with all products shipped in interstate commerce, and for full compliance after December 31, 1975.

One of the principal features of this order was to promote consistency with anticipated world-wide standards for canned plums.

In the standard of identity the requirement for packing media was amended to permit the use of fruit juices either single strength, mixed with water, or mixed with a nutritive sweetener. The sirup density requirements were changed to bring all varieties of canned plums under the same density range for the various designations. Previous standards of identity provided for slightly higher densities for the purple plum varieties than for other varieties.

Minimum standards of quality and standard of fill of container were established, patterned after Codex Alimentarius FAO/WHO standards. The standard of fill of container incorporates drained weight requirements based on the percent of the water capacity of the container—50 percent, in the case of whole style plums, and 55 percent in the case of halves. The requirements are the same for all varieties and for peeled and unpeeled styles.

Current USDA standards for grades of canned plums, in most cases, provide slightly higher recommended drained weights for the purple varieties than for other varieties.

The proposed amendments would provide acceptance values for drained weights for sample averages and for individual containers consistent with the regulatory standards.

The proposal would amend the sirup designations and densities to be the same as in the amended Food and Drug Standard of Identity for canned plums.

Under the factor of defects the terms "damaged" and "seriously damaged" would be changed to "blemished" and "seriously blemished" to coincide with terms in the Food and Drug Standards of Quality. Allowances for these defects and for crushed or broken units would be increased only in the grade C classification to the level provided in the Food and Drug Standard of Quality.

The proposed amendments to the United States Standards for Grades of Canned Plums are essentially the same as the requirements in the order published by the Food and Drug Administration.

No other changes are proposed. The proposed amendments are as follows:

1. Section 52.1781 would be revised to read as follows:

§ 52.1781 Product description.

"Canned plums" is the product represented as defined in the Standards of

Identity (21 CFR 27.45) for canned plums issued pursuant to the Federal Food, Drug, and Cosmetic Act.

2. section 52.1785 Table I—Brix requirements would be amended to read as follows:

§ 52.1785 Liquid media and Brix measurements for canned plums.

TABLE I.—Brix measurements

Designations	Brix measurements
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	25° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	19° or more but less than 25°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	15° or more but less than 19°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	11° or more but less than 15°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

3. Section 52.1787 would be amended in its entirety to read as follows:

§ 52.1787 Minimum drained weight requirements.

(a) *General.* (1) The minimum drained weights specified in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of the grades.

(2) The minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.*

(1) The drained weight of canned plums is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve (or equivalent) of proper diameter containing 8 meshes to the inch (2.3 mm (0.0937-inch), ±3 percent, square openings) so as to distribute the product evenly, turning the pit cavities down in halves, incline the sieve to a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes.

(2) The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 20.32 centimeters (8 inches) in diameter (or approximate equivalent) is used for con-

tainers having water capacities of 1.5 kilograms (3.3 pounds) or less, and a sieve 30.48 centimeters (12 inches) in diameter (or approximate equivalent) is used for containers having water capacities greater than 1.5 kilograms (3.3 pounds). The temperature of the packing medium at time of drained weight determination shall be 20° Celsius ±10 degrees (68° Fahrenheit ±18°).

(3) Water capacity of a container means the maximum weight of distilled water at 20° Celsius (68° Fahrenheit) that the sealed container will hold.

(c) *Compliance with drained weight requirements.* A lot of canned plums is considered as meeting the minimum drained weights if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample is equal to or greater than the acceptance value for drained weights (designated as "X₂" in Table II); and

(2) The number of sample units which fail to meet the acceptance value for drained weight lower limit for individual containers (designated as "LL" in Table II) does not exceed the applicable acceptance number specified in the sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (§§ 52.1-52.83).

TABLE II.—Acceptance value for drained weights

Container size (metal, unless otherwise stated)	Water capacity	In any liquid medium			
		Whole		Halves	
		X ₂	LL	X ₂	LL
	Ounces	Ounces	Ounces	Ounces	Ounces
SZ tall	8.65	4.3	3.7	4.8	4.2
SZ glass	8.2	4.1	3.5	4.5	3.9
No. 1 tall	16.6	8.3	7.5	9.1	8.3
No. 303	16.85	8.4	7.6	9.3	8.5
No. 303 glass	17.0	8.5	7.7	9.3	8.5
No. 2	20.5	10.3	9.4	11.3	10.4
No. 2½	29.75	14.9	13.7	16.4	15.2
No. 2½ glass	29.5	14.8	13.6	16.2	15.0
No. 10	109.45	54.7	52.5	60.2	58.0

§ 52.1794 [Amended]

4. Section 52.17194 Paragraph (a) General. The phrase "damaged and seriously damaged units" would be changed to read "blemished" and seriously blemished units." In paragraph (b) (6) the first word "damaged" would be changed

to read "blemished" and in paragraph (b) (7) "seriously damaged" would be changed to read "seriously blemished."

5. Section 52.1796 would be revised to read as follows:

§ 52.1796 Allowances for quality factors.

TABLE IV.—Style, whole; sample unit size, 25 plums

Factors	Maximum number of units permissible for respective grade						
	A		B		C		
Color:							
Reasonably good.....	2		(1)		(1)		
Fairly good.....	0		4		(1)		
Poor.....	0		0		4		
Uniformity of size:							
Variation in weight.....							
Exceeds 50 pct.....	1		(1)		(1)		
Exceeds 75 pct.....	0		1		(1)		
Exceeds 100 pct.....	0		0		1		
		Ind ¹	Avg ²	Ind	Avg	Ind	Avg
Absence of defects:							
Harmless extraneous material.....	0	0	1	0.2	1	0.4	NA
Small stem.....	1	0.6	1	NA	2	NA	NA
Loose pits.....	1	NA	2	NA	3	NA	NA
Crushed or broken.....	0	0	1	NA	6	NA	NA
Blemished and seriously blemished.....	2	NA	4	NA	7	NA	NA
Including:							
Seriously blemished.....	1	NA	1	NA	3	NA	NA
Blemished, seriously blemished, and crushed or broken.....					8	NA	NA
Character:							
Reasonably good.....	2		(1)		(1)		
Fairly good.....	0		5		(1)		
Poor.....	0		0		5		

¹ No limit.

² Ind—Means individual sample unit.

³ Avg—Means average of all the sample units in the sample.

⁴ NA—Means not applicable.

TABLE V.—Style, halves; sample unit size, 50 halves

Factors	Maximum number of units permissible for respective grade						
	A		B		C		
Color:							
Reasonably good color.....	5		(1)		(1)		
Fairly good.....	0		7		(1)		
Poor color.....	0		0		4		
Uniformity of size:							
Variation in weight.....							
Exceeds 50 pct.....	3		(1)		(1)		
Exceeds 75 pct.....	0		3		(1)		
Exceeds 100 pct.....	0		0		3		
		Ind ¹	Avg ²	Ind	Avg	Ind	Avg
Absence of defects:							
Harmless extraneous material.....	0	0	1	0.2	1	0.4	NA
Small stem.....	1	0.6	1	NA	2	NA	NA
Pits.....	1	0.5	1	NA	3	NA	NA
Crushed or broken.....	0	0	2	NA	12	NA	NA
Blemished and seriously blemished.....	5	0	7	NA	15	NA	NA
Including:							
Seriously blemished.....	1	NA	2	NA	7	NA	NA
Blemished, seriously blemished, and crushed or broken.....					17	NA	NA
Character:							
Reasonably good.....	5		(1)		(1)		
Fairly good.....	0		10		(1)		
Poor.....	0		0		10		

¹ No limit.

² Ind—Means individual sample unit.

³ Avg—Means average of all the sample units in the sample.

⁴ NA—Means not applicable.

DONALD E. WILKINSON,
Administrator.

JULY 7, 1976.

[FR Doc. 76-20060 Filed 7-12-76; 8:45 am]

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Peach Commodity Committee Expenses and Fixing of Rate of Assessment for FY 1976-77; Proposed Rulemaking

This notice invites written comment relative to the proposed budget and rate of assessment to be paid by handlers for local administration of the Peach Commodity Committee under Marketing Order 917, regulating shipments of fresh California pears, plums, and peaches. The proposed Peach Commodity Committee budget is \$686,409 and the proposed rate of assessment is \$0.065 per lug of peaches. It also proposes to carry over, as a committee reserve, unexpended assessment income from fiscal 1975-1976.

Consideration is being given to the following proposals submitted by the Peach Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), as the agency to administer the provisions thereof. Said agreement and order regulate the handling of fresh pears, plums, and peaches grown in the State of California and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposals are as follows:

(a) That expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1976, through February 28, 1977, will amount to \$686,409.

(b) That the rate of assessment for such fiscal period payable by each handler in accordance with § 917.37 be fixed at six and five-tenths cents (\$0.065) per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 29, 1976, be carried over in accordance with § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part, and "No. 22D standard lug box" shall have the same meaning as set forth in section 1380.19 of the California Code of Food and Agriculture.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 26, 1976. All written submissions made pursuant

to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 8, 1976.

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

[FR Doc. 76-20198 Filed 7-12-76; 8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.8]

RURAL HOUSING SITE LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS

Proposed Amendment

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration an amendment to § 1822.267 of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) by the addition of paragraph (1) which would allow the issuance of conditional commitments and the subordination of FmHA's lien with certain conditions of sites financed with section 524 Rural Housing Site loans. FmHA also proposed to add Exhibit C, "Subordination By the Government For Use with Rural Housing Site Loans," for use by the State Director, if necessary, in approving the subordination. This approval will be completed and executed in the format of this Exhibit. These changes are proposed to facilitate the construction of homes for low- and moderate-income families on lots financed with Section 524 Rural Housing Site Loans.

Interested parties may submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before August 12, 1976. Written comments received by that date will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.)

As proposed § 1822.267(1) and Exhibit C, read as follows:

§ 1822.267 Special conditions.

(1) Conditional commitments for construction of homes on developed sites. Conditional commitments may be issued on sites developed with an RHS section 524 loan to permit homes to be constructed on sites prior to the sale of the site to an eligible purchaser in accordance with the following:

(1) The requirements of Subpart H of Part 1822 must be met and a conditional

commitment issued prior to the start of construction of the home.

(2) The conditional commitment must be issued to an RHS borrower who can legally provide the proposed housing and has the experience and training in construction to the extent necessary to assure that the housing will be built or jointly to the RHS loan borrower and a builder who has the legal capacity, training and experience necessary to construct the housing. In all cases the following language will be added under "other conditions" on Form FmHA 444-11, "Conditional Commitment":

(i) "Notwithstanding the other provisions of this commitment the sale of completed homes on sites developed with section 524 Rural Housing Site loans will be limited to families eligible for assistance under any section of Title V of the Housing Act of 1949 or under any other law which provides financial assistance for housing low- and moderate-income families. The approval of FmHA will be obtained prior to the sale of each home. The request for approval shall be submitted to the local FmHA office along with an application for an RH 502 loan or a financial statement from the purchaser and verification of the other credit that is available."

(ii) The benefits of the nonprofit development of the site(s) must be passed on to the purchaser. This will result in this site being sold for \$..... (price to be determined as provided for in (§ 1822.275(b))).

(3) In arriving at the commitment price for the site and the completed home, the value will be based on the present market value of the house only, plus the nonprofit selling price of the lot.

(4) If in order to obtain interim financing for the construction of the homes, the RHS loan borrower requests a subordination by FmHA on individual lots, the State Director may approve the subordination by completing and executing a subordination in the format of Exhibit C of this subpart.

(5) FmHA's lien on any lot will be released only at the time of sale to an eligible purchaser.

(6) The County Supervisor should provide the necessary supervision to assure that the RHS loan borrower takes the necessary action to assure that all qualified builders in the area are aware of the availability of rural housing sites and are given an equal opportunity to participate in this conditional commitment program. As a minimum, the borrower will be required to submit a signed statement indicating the actions taken including names and dates of contacts with builders.

EXHIBIT A [RESERVED]

EXHIBIT B [RESERVED]

EXHIBIT C—SUBORDINATION BY THE GOVERNMENT FOR USE WITH RURAL HOUSING SITE LOANS

Whereas, The United States of America acting through the Farmers Home Adminis-

tration (hereinafter called the "Government") is the holder of the following-described instrument(s) executed by -----

of ----- County, State of ----- (hereinafter called the "Borrower")

Title of instrument	Date of instrument	Date filed	Office filed	Book No.	Page No.
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And whereas, ----- (hereinafter called the "Lender") has agreed to provide a loan to the borrower or to a builder designated by the borrower to construct a home on the property described in this instrument.

Now Therefore, in consideration of the Lender's agreement to make such loan to the borrower, the Government hereby consents to the Borrower obtaining said loan from the lender, and agrees to and hereby subordinates in favor of the Lender and his successors and assigns its liens or security interests created or evidenced by the above-described instrument(s) inasmuch as they cover the following described property:

Except That, The Government shall retain a first lien or security interest in the above-described property in an amount of \$..... Such first lien will be released only when satisfactory evidence is provided indicating that the lot with completed home is being sold to a family eligible for assistance under any section of Title V of the Housing Act of 1949 or under any other law which provides financial assistance for housing low- and moderate-income families and that the benefits of the nonprofit development of the site are being passed on to the eligible purchaser and that the amount of that first lien is paid on the Borrower's Rural Housing Site Loan debt to the Government.

This subordination is limited to the amount actually loaned by the Lender to the Borrower for the foregoing purpose, but shall not exceed \$.....

Only the above described property is affected by this subordination. This subordination shall not otherwise affect or modify the obligations secured by the aforesaid lien instrument(s), and the said obligations shall continue in force and effect until fully paid, satisfied, and discharged.

No member of Congress shall be admitted to any share or part of this agreement or to any benefit that may arise thereupon.

In Witness Whereof, The United States of America has caused these presents to be signed on the ----- day of -----, 19.., pursuant to delegated authority published in 7 CFR, Part 1800.

Witness: UNITED STATES OF AMERICA
By: -----
Title: -----
Farmers Home Administration, U.S. Department of Agriculture.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: July 6, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 76-20138 Filed 7-12-76; 8:45 am]

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM
FOR CHILDREN

Alternate Food Proposal

Under Appendix A of the regulations for the Summer Food Service Program for Children, the Department proposes to authorize the use of a "Formulated Fortified Milk-Based Product" as a one component alternate food for the supplemental food pattern specified in the regulations. The supplemental food pattern, as now specified in the regulations, is a two component snack served between meals. It consists of a serving of milk, juice, fruit, or vegetable; and a serving of bread or equivalent. During the past several years, a one-component formulated fortified milk-based product has been used to meet the supplemental food requirement on a trial basis at some sites in the summer program.

The Department now proposes to authorize, by regulation, a serving of a Formulated Fortified Milk-Based Product as an alternative to the two-component supplemental food pattern. It will be used only in the supplemental food pattern and only in the Summer Food Service Program. It will not be authorized for use in any meals served under the other child nutrition programs. Allowing use of this alternate food will provide summer food service institutions a convenient means of maintaining or enhancing the nutrient contribution of the supplemental food pattern.

Interested persons are invited to comment on this proposed regulation change. To be assured of consideration, written views, arguments, and pertinent data should be submitted to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street, S.W., Room 560, Washington, D.C. 20250, postmarked no later than September 1, 1976. Copies of all written comments will be available for inspection by the public during normal business hours at the above address.

The following alternate food component is proposed to be authorized under Appendix A of 7 CFR Part 225, Summer Food Service Program for Children.

APPENDIX A—ALTERNATE FOODS FOR MEALS
FORMULATED FORTIFIED MILK-BASED PRODUCTS

1. Service institutions participating in the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) Summer Food Service Program for Children may utilize Formulated Fortified Milk-Based Products, defined in paragraph 2, as an alternate food in meeting the supplemental food requirements of § 225.10 of the Summer Food Service Program for Children regulations when served in the following serving sizes: Ages 1 up to 6—4 fl. oz.; ages 6 to 12—6 fl. oz.; ages 12 and over—8 fl. oz.

2. Formulated Fortified Milk-Based Products meeting the following terms and conditions shall be authorized for use as stated above:

(a) *Label.* Only Formulated Fortified Milk-Based Products that bear a label containing substantially the following legend shall be so utilized: "This product meets USDA-FNS specifications for Formulated Fortified Milk-Based Products. The following servings meet the supplemental food requirement of USDA's Summer Food Service Program for Children:

	Fluid ounces
Ages 1 up to 6	4
Ages 6 up to 12	6
Ages 12 and over	8

In those States where State or local law prohibits the wording specified, a legend acceptable to both the State or local authorities and FNS shall be substituted.

(b) *Acceptance of Products by FNS.* Only Formulated Fortified Milk-Based Products that have been accepted by FNS for use in the USDA Summer Food Service Program for Children may be labeled as provided in (a) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, a label or label mock-up and such other pertinent data as FNS may request.

This information shall be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. All laboratories shall retain "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

(c) *Form.* Formulated Fortified Milk-Based Products may be manufactured in liquid or frozen form and may be flavored or unflavored. Products shall be served liquid, ready-to-drink.

(d) *Ingredients.* The primary source of protein shall be milk (fluid whole, low-fat or skim); milk products (whole or non-fat dry, evaporated, condensed); or milk-derived products (whey or caseinates). Proteins and lipids may be derived from animal or plant sources. Vitamins, minerals, and other ingredients may be added in proportions necessary to meet nutritional specifications in paragraph (e) below. All ingredients shall be in conformity with the Federal Food, Drug and Cosmetic Act and regulations pursuant to that Act as applicable. All ingredients covered by USDA or Food and Drug Administration (FDA) standards shall comply with the requirements of those standards.

(e) *Nutritional Specifications.* Formulated Fortified Milk-Based Products shall meet the nutritional requirements set forth in the following table. The requirements will be deemed to have been met if the product contains nutrients at the levels specified, within the limits of good manufacturing practices. No label claim of nutritional advantage can be made for overages for any nutrients. The products should be formulated in such a manner that they would not be considered by FDA as a dietary supplement of vitamins and minerals.

All values in the following table are expressed on an "as is" basis. The analytical methods employed should be those prescribed in "Official Methods of Analysis," 12th edition, 1975, of the Association of Official

Analytical Chemists, Washington, D.C. or by appropriate analytical procedures FNS considers reliable.

Nutritional specifications for formulated
fortified milk-based products¹

Nutrients	Unit	Required levels, Units/100 ml of product (3.38 fluid ounces)
Protein	gm	4.22
Fat	gm	6.8
Energy	cal	84
Vitamin A	IU	388
Vitamin D	IU	57
Vitamin E	IU	1.28
Vitamin C	mg	5.7
Folicin	mcg	34
Niacin	mg	1.7
Riboflavin	mg	.17
Thiamin	mg	.14
Vitamin B ₆	mg	.14
Vitamin B ₁₂	mcg	.24
Calcium	mg	113.2
Phosphorus	mg	113.2
Iron	mg	1.42
Zinc	mg	1.42

¹ These specifications are based on nutrient levels to provide approximately 1/6 of the recommended dietary allowances (RDA) 1974 for all nutrients except calories. Calories provide at least 5 pct of the RDA. These levels are based on the size servings for the age groups specified in par. 1, the RDAs for the specified age group.

² Maximum.

Dated: July 6, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20200 Filed 7-12-76;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED AND AMOUNT OF ASSISTANCE

Hearing

Notice is hereby given that a public hearing will be conducted in Boston, Massachusetts on Tuesday, July 13, 1976 at 1 PM in the Gardner Auditorium of the Massachusetts State House at the corner of Boudoin and Beacon Streets.

The purpose of the hearing is to receive suggestions regarding the revision of the regulations at 45 CFR 233.20, *Need and Amount of Assistance* which deal with the consideration, disregard, and setting aside of income and resources in determining eligibility of families with dependent children to receive federally funded financial assistance (AFDC).

A Notice of Intent published on Thursday, July 8, 1976, 41 FR 27973, gives details of the purposes of the revision and the areas on which public comment is requested.

Individuals wishing to testify at the hearing are requested to register beforehand. The registration booth at the State House will be open at 12 noon. Individuals will be afforded the opportunity to testify in the order of registration, and to the extent that time allows.

Similar hearings to be conducted in other parts of the country will be announced in the near future.

Dated: July 7, 1976.

ROBERT FULTON,
Administrator.

[FR Doc. 76-20171 Filed 7-12-76; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[Docket No. S-307]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Field Sanitary Facilities; Clarification; Extension of Comment Period

Correction

In FR Doc. 76-19033 appearing at page 27378 in the issue for Friday, July 2, 1976 make the following change:

In the last paragraph of the document, appearing in the third column of page 27378, the date for filing comments which now reads "July 20, 1976" is incorrect and should be changed to "August 16, 1976." Thus, the date for filing comments on proposed regulations for field sanitary facilities for agricultural workers is August 16, 1976.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

SPECIAL SET-ASIDE PROCEDURES FOR MIDDLE DISTILLATES

Proposed Rulemaking and Public Hearing

On June 15, 1976 FEA issued and submitted to the Congress two separate amendments which provided for the exemption of middle distillates from allocation and price controls. The first amendment (Energy Action No. 3) related to the exemption of No. 2 heating oil and No. 2-D diesel fuel; the second amendment (Energy Action No. 4) provided for the exemption of No. 1 heating oil, No. 1-D diesel fuel and kerosene. Since neither of these amendments was disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the Energy Policy and Conservation Act, the amendments were effective July 1, 1976.

In its discussions with members of Congress regarding these amendments, and in response to concerns expressed by these members, FEA committed that it would take certain actions following the effectiveness of the exemption to assure first that no unwarranted price increases would occur once controls were removed and secondly that marketers would be protected during the transitional period following removal of controls as to their ability to obtain supplies. With respect to the safeguards against price increases, FEA informed the Congress that FEA would institute a monitoring system for middle distillate prices. If prices for middle distillates exceeded by more than 2¢ per gallon FEA's estimate of what these

prices would have been were controls still in place, FEA would hold hearings within ten days to determine what appropriate remedial action should be taken and would take such action within ten days of the completion of the hearings. In this regard, FEA further stated that it would consider regional price increases separately, and that an unwarranted price increase in any one region of the country would also be sufficient to cause FEA to hold public hearings and take appropriate remedial actions.

In addition, FEA informed the Congress that a set-aside program administered by FEA's regional offices would be established before the end of July to operate to insure that no marketer would lose its supply source without adequate time to arrange a new supplier during the transitional period following removal of controls. In particular, marketers could be assigned as much as their currently authorized base period volumes from the FEA set aside for up to 90 days if required to permit them to make their own supply arrangements or for longer if required to preclude hardship to consumers.

Because this new regional set-aside program could not be implemented before August 1, 1976, FEA adopted an interim rule (Special Rule No. 2 to Subpart A) on July 1, 1976 which continued the operation of the state set-aside program in a modified form for one more month. Special Rule No. 2 thus now insures that no marketer will lose its source of supplies during the month of July while the further special procedures, which are the subject of this rulemaking, are still in the rulemaking process.

The special procedures proposed hereby (in Special Rule No. 3 for Subpart A) provide that, notwithstanding the exemption of middle distillates from controls, a special set-aside program for middle distillates would be in effect for the months of August 1976 through March 1977, so as to permit assignments by FEA's regional offices to marketers and consumers. The set-aside would constitute 4 percent of a prime supplier's estimated portion of its total supply of middle distillates for the particular month which will be sold into the distribution system of the state (for consumption therein) where the firm receiving the assignment was located. These volumes would be available for assignment to marketers that are able to demonstrate an inability to obtain adequate supplies of middle distillates after reasonable efforts in this regard for periods of up to 90 days in length or longer if necessary to preclude hardship to consumers. Assignments could also be made directly to consumers under the same hardship criteria that existed in the state set-aside program.

A public hearing on these proposed amendments will be held beginning at 9:30 a.m. on July 22, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is

a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., July 16, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through July 20, 1976. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., July 19, 1976, and must submit 100 copies of his or her statement to the Office of Regulations Management, FEA, Room 2214 B, 2000 M Street, NW., Washington, D.C. before 4:30 p.m., e.s.t. on July 21, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., July 19, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday

through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to these proposed amendments to Executive Communications, Room 3309, Federal Energy Administration, Box HW, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to Executive Communications, FEA, with the designation "Special Assignment Procedures for Middle Distillates." Fifteen copies should be submitted. All comments received by July 23, 1976, and all relevant information will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-332, E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., July 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

The Appendix to Subpart A of Part 211 is amended by the addition of a Special Rule No. 3 to read as follows:

SPECIAL RULE No. 3

1. *Scope.* This Special Rule provides for a set-aside program for middle distillates for the months August 1976 through February 1977, as provided below, notwithstanding the exemption of middle distillates from the Mandatory Petroleum Allocation Regulations effective July 1, 1976.

2. *Provision for middle distillate set-aside.* Notwithstanding the provisions of subparagraphs (5) and (6) of paragraph (b) of § 211.1, a set-aside is hereby established for the months August 1976 through March 1977 for middle distillates for assignment by FEA Regional Offices in accordance with the provisions of this Special Rule.

3. *Set-aside volume.* A prime supplier shall inform each appropriate Regional Office monthly in accordance with § 211.222(b) of the estimated volume of middle distillates to be sold into that state for consumption

within that state. The set-aside volume available in a state to a regional office for a particular month shall be the sum of the amounts calculated by multiplying four (4%) percent by each prime supplier's estimated portion of its total supply for that month which will be sold into that state's distribution system for consumption within the state. The set-aside for a particular month cannot be accumulated or deferred; it shall be made available from stocks of prime suppliers whether directly or through their wholesale purchaser-resellers.

4. *State representative.* Each supplier shall designate a representative within each state in which the supplier is a prime supplier to act for and in behalf of the prime supplier with respect to set-aside petitions and assignments from the set-aside to be supplied by that prime supplier. Each prime supplier for a state shall designate its representative for that state and shall notify in writing the appropriate Regional Office of such designation within 10 days after the effective date of this Special Rule. The designated representative for a state shall be a firm which maintains a place of business within the state. The Regional Office shall to the maximum extent possible consult with a prime supplier's representative prior to issuing any authorizing document affecting set-aside volumes to be provided by the prime supplier.

5. *Eligible recipients of set-aside volumes.* The set-aside provided for by this Special Rule shall be utilized by the FEA Regional Offices to meet hardship and emergency requirements of all wholesale purchaser-consumers and end users and to meet the supply needs of a wholesale purchaser-reseller in cases where the wholesale purchaser-reseller has demonstrated that it will not be able to obtain with diligent efforts in a particular month a volume of middle distillates equal to its base period use of middle distillates for that month as determined under this subpart and Subpart G of this part. To facilitate relief of the hardship and emergency requirements of wholesale purchaser-consumers and end-users, the Regional Office may also direct that a wholesale purchaser-reseller be supplied from the set-aside in order that the wholesale purchaser-reseller can supply the wholesale purchaser-consumers and end-users experiencing the hardship or emergency.

6. *Term of assignments.* Assignments to eligible wholesale purchaser-resellers under section 5 of this Special Rule by a Regional Office shall not be made for periods in excess of 90 days unless necessary to preclude hardship and provide emergency requirements to ultimate consumers. No assignments to eligible recipients under section 5 of this Special Rule shall relate to any period subsequent to March 31, 1977.

7. *Application for assignment.* All applications for assignment under this Special Rule shall be made to the appropriate FEA Regional Office, which Office has jurisdiction over the state in which the applicant conducts its business operations, in accordance with the procedures set forth in §§ 205.211-218 of Subpart Q of Part 205 of this chapter with respect to the state set-aside, except as otherwise provided in this Special Rule. All references to a State Office in that Subpart shall be deemed to refer to the appropriate FEA Regional Office.

8. *Approval of application.* If a Regional Office approves an application for assignment, it shall assign a prime supplier and amount from the set-aside to the applicant. To determine an appropriate prime supplier, the Regional Office may coordinate with the state representatives of the prime suppliers.

9. *Authorizing document.* The Regional Office shall issue to an applicant granted an assignment a document authorizing such

assignment. A copy of the authorizing document (or a summary) shall also be provided by the Regional Office to the designated state representative of the prime supplier assigned to the applicant. An authorizing document not presented to either the prime supplier or a designated local distributor of the prime supplier within ten (10) days of issuance shall expire after that time.

10. *Supplier's responsibilities.* Suppliers shall provide the assigned amount of middle distillates to an applicant when presented with an authorizing document. The authorizing document shall entitle the applicant to receive product from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Wholesale purchaser-resellers of prime suppliers shall, as non-prime suppliers, honor such authorizing documents upon presentation, and shall not delay deliveries required by the authorizing document while confirming such deliveries with the prime supplier. Any non-prime supplier which provides middle distillates pursuant to an authorizing document shall in turn receive from its prime supplier an equivalent volume of the product.

11. *Prime suppliers.* All prime suppliers shall supply middle distillates from their set-aside volume each month, as directed by the Regional Offices, not to exceed the total set-aside volume for middle distillates for that month for the state concerned.

12. *Release of set-aside.* At any time during the month, a Regional Office may order the release of part or all of a prime supplier's set-aside volume through the prime supplier's normal distribution system in the state.

13. *Orders issued by Regional Offices.* Authorizing documents and other orders issued pursuant to this Special Rule shall be in writing and effective immediately upon presentation to the prime supplier's designated State representative. Authorizing documents shall represent a call on the prime supplier's set-aside volumes for the month of issuance irrespective of the fact that delivery cannot be made until the following month. Any order issued by a Regional Office pursuant to this Special Rule may be appealed to FEA's Office of Exceptions and Appeals, in accordance with the procedures set forth in Subpart H of Part 205 of this chapter. Any appeal from such an order shall be filed within ten (10) days of service of the order from which the appeal is taken. If a Regional Office fails to take action on an application within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this section.

14. *Products included within term middle distillates.* For purposes of this Special Rule the term middle distillates includes the following, all as defined in § 212.31 of this chapter: No. 1 heating oil, No. 1-D diesel fuel, No. 2 heating oil, No. 2-D diesel fuel and kerosene.

[FR Doc.76-20251 Filed 7-9-76;12:26 pm]

**SECURITIES AND EXCHANGE
COMMISSION**

[17 CFR Part 240]

[Release No. 34-12594; File No. S7-631]
REGULATION OF TRANSFER AGENTS

Extension of Comment Period

JULY 2, 1976.

In Securities Exchange Act Release No. 12440 (May 12, 1976) [41 FR 22595, June 4, 1976], the Securities and Ex-

change Commission (the "Commission") announced that it has under consideration proposals to adopt 17 CFR 240.17 Ad-1, 240.17 Ad-2, 240.17 Ad-3, 240.17 Ad-4 and 240.17 Ad-5 under the Securities Exchange Act of 1934¹ pertaining to certificate turnaround time, reporting requirements related thereto, response time for confirmation requests and other inquiries and record-keeping requirements for all transfer agents registered with the Commission or the Federal bank regulatory agencies (i.e., the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation). The Commission invited all interested persons to submit comments on the proposed rules no later than July 2, 1976.

Interested members of the public have requested additional time to respond to the Commission's solicitation of comments. Accordingly, the Commission has extended the period for public comment concerning the proposed rules until July 19, 1976.

Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and should refer to File No. S7-631.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 2, 1976.

[FR Doc.76-20090 Filed 7-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1300]

[Ex Parte No. 326]

RAILROAD REVITALIZATION AND REGULATORY REFORM

Transfer of General Increases From Master Tariffs Into Individual Tariffs of Rail- roads or Rail Ratemaking Organizations

JULY 8, 1976.

This proceeding is being instituted in accordance with the provisions of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31, 45 U.S.C. 801 (4 R Act). Section 209 of the 4 R Act amends section 6(6) of the Interstate Commerce Act in the following manner:

Section 209, Section 6(6) of the Interstate Commerce Act (49 U.S.C. 6(6)) is amended by striking out "shall prescribe; and the" and inserting in lieu thereof the following "shall prescribe. The Commission shall, beginning 2 years after the date of enactment of this sentence, require (a) that all rates shall be incorporated into the individual tariffs of each common carrier by railroad subject to this part or rail ratemaking association within 2 years after the initial publication of the rate, or within 2 years after a change in any rate is approved by the Commission, whichever is later, and (b) that any rate shall be null and void with respect to any such carrier or association which does not so

incorporate such rate into its individual tariff. The Commission may, upon good cause shown, extend such period of time. Notice of any such extension and a statement of the reasons therefor shall be promptly transmitted to the Congress. The".

The implementation of the above section requires that existing regulations 49 CFR 1300, (the Commission's Tariff Circular No. 20) be amended for the purpose of establishing therein regulations conforming to the statutory time limits within which general increases in rates and charges must be transferred from master tariffs¹ into the individual tariffs of each railroad or rail ratemaking association. As clearly indicated by the following excerpt from Senate Committee on Commerce Report 94-499, Congressional intent in enacting section 209 is to insure that general changes in rates and charges provided by means of master tariffs will be transferred into individual tariffs within a two-year period:

Under the present law, the Commission may allow groups of carriers to file master tariffs and tariff supplements which, by single publication, apply to numerous individual tariffs. If allowed to persist for a substantial time, this situation causes difficulty for shippers and other interested persons who must refer not only to the basic carrier or association tariff but also to various master tariffs and supplements, to determine the applicable rate on particular movement of traffic. The bill would cure this problem by requiring carriers and associations within two years to incorporate rate changes into their basic tariff publications. The Commission may extend this time period in unusual circumstances if it provides Congress with a notice of such extension and a statement of the reasons therefor. It is expected that the Commission will utilize this extension power only in extraordinary circumstances.

Although for a number of years the Commission had admonished the carriers to update their tariffs, as for example in Increased Freight Rates and Charges, 1973, 344 I.C.C. 589, 620 and Increased Freight Rates and Charges, 1975, 349 I.C.C. 555, 575, it is apparent from the above-cited legislative history that Congress was not satisfied with the railroad industry performance in updating tariffs. Accordingly, Congress has set a statutory time limit within which rail carriers must incorporate rate increases published in master tariffs into their basic rate tariffs.

The railroads, when updating tariffs, transfer general increases from master tariffs into individual tariffs by specifically amending the affected rates to reflect the increases, or by the publication and filing on a single conversion-table supplement to the tariff. The latter method for updating tariffs is authorized by our outstanding special permission

¹ A master tariff is a separate tariff, published and filed with the Commission for the purpose of providing for a general change in the level of all or substantially all rates and charges published in individual tariffs of the railroads or their ratemaking associations. It should be noted that the Commission's tariff circular rules do not authorize the publication and filing of master tariffs. Accordingly, authority must be obtained from the Commission to file a master tariff in a general increase proceeding.

No. 71-5875. This form of publication provides a convenient and relatively simple method for updating tariffs to incorporate various general increases therein and contributes substantially to expediting the updating process. It also eliminates the need for the tariff user to refer to several master tariffs to determine the applicable rates and charges on its shipments. The regulations here proposed for adoption do not prohibit the filing of conversion-table supplements as this method of publication has assisted interested persons in determining the applicable rate, and it is a relatively inexpensive method of tariff update. However, parties to this proceeding are requested to discuss whether the continued use of conversion-table supplements should or may be permitted.

The statutory updating requirements became effective with the enactment of section 209 on February 5, 1976. All master tariffs on file with the Commission on or after that date are governed by this section. The statute allows the railroads or their ratemaking associations a two-year period to incorporate authorized general increases into individual tariffs. Thus, general increases must be incorporated into individual tariffs beginning February 5, 1978.

Finally, it should be noted that the statute provides that the time period for transfer of general increases may be extended in certain circumstances, and the proposed rules contain a provision relating to requests for extensions. It is evident from the legislative history, however, that Congress intended the extension power to be exercised sparingly. Requests seeking extensions of time under the proposed rules should therefore be confined to extraordinary circumstances.

To provide an orderly framework for achieving the statutory objectives we propose adoption of the rules set forth below to assist the Commission in complying with the statutory objectives and to assure proper assessment of the issues embodied therein; respondents and interested parties are invited to comment on the proposed rules set forth therein by the submission of written data, views, or arguments.

Wherefore, in order to provide opportunity for full consideration of the proposed rules and any related matters:

It is ordered, That a proceeding be, and it is hereby instituted under section 6(6) of the Interstate Commerce Act, as amended, 49 U.S.C. 6(6) and sections 553 and 559 of the Administrative Procedure Act, 5 U.S.C. 553, 559 with the objective of amending Part 1300 of Title 49 of the Code of Federal Regulations with the (the Commission's Tariff Circular No. 20) for the purpose of establishing therein regulations conforming to the time limits within which general increases in rates and charges provided by master tariffs must be transferred into the individual tariffs of each rail common carrier or rail ratemaking association.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and

¹ 15 U.S.C. 78a, et seq.

they are hereby, made respondents in this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, on or before August 12, 1976, by filing with the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C., 20423, the original and one copy of a statement of the person's intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to limit the service of pleadings by parties in proceedings of this type to those who intend to take an active part in this proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding; (2) whether he or she genuinely wishes to participate by receiving or filing initial and/or reply statements; (3) if said party desires to participate as described in "(2)", whether his or her interests can be consolidated with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission; and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission will then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure.

And it is further ordered, That a copy of this notice and order be served on each respondent, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission. (Commissioner O'Neal dissenting.)²

ROBERT L. OSWALD,
Secretary.

Section 1300.32 is added and reads as follows:

§ 1300.32 Transfer of railroad general increases from master tariffs.

² Commissioner O'Neal dissents on the grounds that the proposed rule, insofar as it contemplates use of conversion table supplements, is proscribed by the Rail Revitalization and Regulatory Reform Act.

(a) *General application.* The regulations in this section govern the transfer of railroad general increases from master tariffs into basic tariffs as required by section 6(6) of the act, as amended February 5, 1976.

(b) *Definitions.* (1) The term "general increase," as used in this section, refers to increases in railroad rates and charges published and filed in accordance with procedures set forth in Part 1102 of this chapter;

(2) The term "master tariff," as used in this section, refers to a separate tariff providing for a general increase in rates and charges which form of publication is authorized by the Commission.

(c) *General increases must be transferred.* A general increase published by means of a master tariff must be transferred into the basic tariffs within the time period provided under paragraph (d) of this section.

(d) *Time period for transfer of general increases.* (1) A general increase shall be transferred from a master tariff to the basic tariffs: (i) Within 2 years from the effective date of the master tariff if the Commission authorizes the general increase to become effective without suspension; or (ii) if the increase is suspended or an investigation is instituted within 2 years from the date of service of the Commission's final order authorizing the increase in whole or in part;

(2) If a general increase is under investigation by the Commission at the time a later general increase becomes effective, the date for compliance with paragraph (d) (1) of this section shall be determined by reference to the date of service of the Commission's final order relating to the prior increase. Thus, the date determined under paragraph (d) (1) for transfer of the prior increase shall also govern transfer of the later increase.

(e) *Extension of time period.* Extension of the time period provided under paragraph (d) of this section for transfer of general increases from master tariffs to other tariffs is not contemplated. Should the filing of a petition requesting authority to extend the time period become necessary, such petition must be filed with the Commission at least 90 days before the time period is due to expire.

[FR Doc.76-20192 Filed 7-12-76;8:45 am]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Parts 13 and 83]

[Docket No. 20862; RM-2079; FCC 76-63]

STATIONS IN THE MARITIME SERVICES

Reduction of Operator Requirements

By the Commission:
In the Matter of Amendment of §§ 13.61 and 83.159 of the Commission's rules governing Stations in the Maritime Services to reduce operator requirements for radio direct-printing telegraphy equipment on public and limited ship stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a petition for a rule amendment (RM2079) filed by the J. Ray McDermott & Co., Inc. (hereinafter called petitioner) looking towards amendment of § 83.159 of the rules to permit holders of third-class radio-telephone operator permits to operate radiotelegraph equipment aboard ship stations when such equipment is used for radioteleprinter transmissions.

3. Sections 13.61 and 83.159 of the rules presently provides that ship telegraph stations must be operated only by holders of at least a third-class radiotelegraph operator permit and do not distinguish between a telegraph station which transmits "CW" where skills possessed by a third-class radiotelegraph operator are necessary and ships transmitting radio direct printing equipment where such skills are not required.

4. The Commission has previously authorized the petitioner temporary waiver of the rules to conduct experimental tests where radioteletypewriter and radioteleprinter equipment aboard some of the petitioner's vessels were operated by third-class radiotelephone operators instead of the required third-class radiotelegraph operators. The results of the testing proved very satisfactory and beneficial to the petitioner in that the equipment was successfully and adequately operated by the radiotelephone operators.

5. In view of the increasing use of radio direct-printing telegraphy equipment now being used aboard vessels, it would appear unnecessary and burdensome to require that such equipment be operated by highly skilled and trained radiotelegraph operators. In addition, there is the possibility that as the use of direct-printing equipment increases aboard vessels that qualified radiotelegraph operators may be hard to locate and hire.

6. The proposed rule amendment will still require at least a third-class radiotelegraph operator permit for persons operating a ship radiotelegraph station using Morse Code operations, but will lessen the operation requirements to a third-class radiotelephone operator permit for persons operating a ship radiotelegraph station used solely for direct-printing purposes.

7. The proposed amendment as set forth below is issued pursuant to the authority contained in sections 4(i), 303 (b), (f), (l) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 13, 1976, and reply comments on or before August 24, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments

received in response to the Notice of Proposed Rule Making will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: June 30, 1976.
Released: July 9, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 13 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 13—COMMERCIAL RADIO OPERATORS

Section 13.61(g) (6) is amended to read as follows:

§ 13.61 Operating Authority.

(g) * * *

(6) Ship stations or aircraft stations at which the installation is not used solely for telephony, direct-printing or at which the power is more than 250 watts carrier power or 1,000 watts peak envelope power:

Provided, * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for non-compulsory stations.

Description of station	Minimum operator authorization
Public ship telegraph, except direct-printing, all categories	T-2
Limited ship telegraph, except direct-printing	T-3
Public or limited ship direct-printing telegraph	P-3
Public or limited ship telephones, more than 250 W carrier power or 1,000 W peak envelope power	P-2

[FR Doc.76-20157 Filed 7-12-76; 8:45 am]

[47 CFR Part 73]

FM BROADCAST STATIONS; GREENFIELD, MASSACHUSETTS

Table of Assignments

By the Chief, Broadcast Bureau:
In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Greenfield, Massachusetts).

1. Petitioner, Proposal and Comments:

(a) Petition for rule making filed March 4, 1976, by Scott J. Bacherman proposing the assignment of Channel 237A as a second FM channel to Greenfield, Massachusetts.

(b) The channel may be assigned without affecting any existing FM assignments.

(c) The transmitter site for Channel 237A must be located at least 6 miles

north of Greenfield to meet the minimum mileage separation requirements.

2. *Community Data:* (a) *Location:* Greenfield is located in Franklin County and is situated about 16 miles north of Springfield, Massachusetts.

(b) *Population:* (1970 U.S. Census)—Greenfield, 18,116, Franklin County, 59,210.

(c) *Present aural services:* Local service is provided by AM Station WHAI (Class IV) and Station WHAI-FM (Channel 252A), both licensed to Haigis Broadcasting Corp., Greenfield, Massachusetts.

(d) *Economic considerations:* Petitioner states that Greenfield is the largest community in Franklin County and has had a population gain of 2.4% between 1960 and 1970. Greenfield's economy relates primarily to industry, although the town still maintains some agricultural characteristics now typical of the smaller farming communities surrounding Greenfield. The metal working machinery industry is the largest source of employment and the manufacturing of fabricated metal products is second. In support of its proposal, petitioner has submitted population and demographic data and a profile of the local economy. We need not detail this information. He adds that Greenfield is a growing community which serves as the economic focal point of Franklin County and states that substantially more than 50 percent of the retail trade in the entire county takes place in Greenfield.

3. *Preclusion Studies:* There would be no new preclusion on any of the six pertinent adjacent channels. A small additional preclusion area for Channel 237A assignments would be created.

4. Petitioner states that, if the proposed channel is assigned, he plans to expeditiously apply to activate the frequency and provide full and complete coverage of community affairs, local news, weather information, and entertainment programming not currently available from the existing stations.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules with regard to Greenfield, Massachusetts, as follows:

City	Channel No.	
	Present	Proposed
Greenfield, Mass.	252A	237A, 252A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below.

7. Interested parties may file comment and are incorporated herein.

Released: July 9, 1976.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6)

of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-20158 Filed 7-12-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20873; RM-2658]

TABLE OF ASSIGNMENTS

FM Broadcast Stations, Washington

1. *Petitioner, Proposal and Comments:* (a) Notice of Proposed Rule Making is hereby issued concerning the amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with regard to the community of Richland, Washington.

(b) A petition for rule making, of which Public Notice was given (Report No. 969), March 5, 1976, was filed on behalf of Sterling Recreation Organization Co. (SRO), proposing the assignment of Channel 235 to Richland, Washington, as a second Class C assignment and third FM channel to the community.

(c) Channel 235 could be assigned to Richland in complete conformity with all mileage separation requirements, provided a site is chosen 14.5 miles southeast of Richland.

2. *Demographic Data:* (a) *Location:* Richland is one of three communities (Pasco, Kennewick and Richland) known in the local area as the Tri-Cities. The three communities are adjacent (within 10 miles) to each other with Pasco, the seat of Franklin County located on the east side of the Columbia River and Richland and Kennewick located in Benton County across the Columbia River from Pasco.

(b) *Population* (1970 U.S. Census): Richland, 26,290; Kennewick, 15,202—Benton County, 67,540; Pasco, 13,920—Franklin County, 25,816.

(c) *Present aural services:*

Richland.—AM Station KALE (Class III full-time) licensed to petitioner; FM Station KORD-FM (Class C, Channel 274)¹ licensed to KIXI, Inc.; new FM station (Class A, Channel 292A), permittee: KUTI Communications, Inc.

Kennewick.—AM Station KONA (Class III, full-time), licensed to Tri-City Communications, Inc.; AM Station KOTY (Class IV, full-time) licensed to KUTI Communications, Inc.; FM Station KONA-FM (Class C, Channel 287) licensed to Tri-City Communications, Inc.

Pasco.—AM Station KORD (Class III, daytime-only), licensed to KIXI, Inc.

3. *Economic Considerations:* SRO describes the Tri-Cities area as having many major industries, consisting principally of nuclear research, power production, and agriculture. It also states that the area is a large producer of beef and maintains a flourishing dairy farm business. SRO notes that as of mid-1975, the total net effective buying power for 9,600 households in Richland was \$15,556,000.

4. *Preclusion Studies:* The preclusive effect of assigning Channel 235 to the Tri-Cities area would be minimal. The

¹ Channel 274 is assigned to Richland but licensed to KIXI, Inc., operator of AM Station KORD at Pasco, Washington.

only other cities with a population of 10,000 or more in the area to which Channel 235 could be assigned are Walla Walla, Washington (pop. 23,619), and Pendleton, Oregon (pop. 13,197), and each of these cities, neither of which is as large as Richland, already has two Class C assignments. Towns of 1,000 or more in the preclusion area, exclusive of Walla Walla and Pendleton are Ritzville (1,876) and Dayton (2,596), both in Washington, and Milton Freewater (4,105), Pilot Rock (1,612), and Heppner (1,429), all in Oregon. Each of these has Class A channels available to them.

5. *Additional Considerations:* Although our population criteria suggest two assignments for communities under 50,000 population, the proposed assignment of a third channel to Richland should be pursued in a rule making context. Many of the stations operating in the Tri-Cities area identify themselves with and in fact serve each of the three communities. For example, the licensee of Pasco AM Station KORD also operates Station KORD-FM on Channel 274 assigned to Richland.² Also the licensee of Kennewick AM Station KOTY has been granted a construction permit to operate a station on Channel 292A assigned to Richland. While we would expect the ultimate licensee of Channel 235, if assigned to Richland as herein proposed, to serve its city of license, a city-grade signal could be placed over all three communities and primary service would accrue to the Tri-Cities area. Under these circumstances we would be inclined to take into account, in applying our population criteria, the fact that the population in the Tri-Cities area exceeds 50,000. Under our criteria, two to four channels could be assigned for 50,000 to 100,000 population. The Tri-Cities area presently has three channels.

6. Petitioner noted that Channel 235 would reach from its proposed site 380 persons residing in an area of 39 square miles who would receive a first nighttime FM service and 501 persons residing in an area of 63 square miles who would receive a second FM service.

7. We note that, since an intermixture of classes of channels already exists in Richland and in the Tri-Cities market area, the assignment of Channel 235 as proposed would create no new intermixture.

8. Canadian concurrence is necessary for the proposed assignment.

9. In view of the above, we propose the following revision in the FM Table of Assignments (§ 73.202(b) of the Rules) with respect to the city listed below:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Richland, Wash.	274, 292A	235, 274, 292A

² The AM station's programming is duplicated 100 percent.

10. Authority to institute rule making proceedings, showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

11. Interested parties may file comments on or before August 13, 1976, and reply comments on or before September 2, 1976.

Adopted: July 29, 1976.

Released: July 9, 1976.

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

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply com-

ments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-20161 Filed 7-12-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20874; RM-2673; RM-2682; RM-2686; RM-2689]

TABLE OF ASSIGNMENTS

FM Broadcast Stations; Michigan; Pennsylvania; Kansas; Wisconsin

1. The Commission has under consideration four petitions which propose amending § 73.202(b) of the Rules, the FM Table of Assignments, by assigning a first FM channel to each of the above-mentioned communities. None of these communities is located near an urbanized area. All of the proposed channels could be assigned to the respective communities in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned FM channels. No oppositions were filed to any of the proposals. All petitioners state that, if their proposed assignment is made by the Commission, they will promptly file for the facility and, if authorized, will construct a station. The specific channel that has been proposed for each locality and the identity of the respective petitioners are as follows:

- RM-2673 Channel 276A to Gladwin, Michigan (Gladwin Broadcasting Company)
- RM-2682 Channel 261A to Canton, Pennsylvania (Galen David Castlebury, Jr.)
- RM-2686 Channel 285A to Clay Center, Kansas (Eugene K. Seibel)
- RM-2689 Channel 249A to Lancaster-Fennimore, Wisconsin (Joy Broadcasters)

A brief description of each petition follows:

2. *Gladwin, Michigan (RM-2673).* Gladwin Broadcasting Company (petitioner), licensee of daytime-only AM Station WJEB, Gladwin, Michigan, filed a petition on March 15, 1976, proposing the assignment of Channel 276A to Gladwin, Michigan. Gladwin (pop. 2,071)¹ is the seat of Gladwin County (pop. 13,471). It has no local FM broadcast service but does have a daytime-only AM station which is licensed to petitioner.

3. In support of its request, petitioner states that Gladwin County has industries which include dairying, plastic thermo-forming equipment, plaster manufacturing, crude oil production, etc., and notes that approximately 28.4% of the land area is dedicated to farming. Petitioner adds that the population of Gladwin County has increased 25.1% from 1960 to 1970. It states that the mean family income for Gladwin County in 1970 was \$8,641.00, and the retail and wholesale sales were 23.1 percent of the

total earnings for the county. Petitioner states that the county is growing and has a substantial population, and that there is presently no local means of full-time communication throughout the county by aural broadcasting. In view of the apparent need for a first full-time local broadcast service in the area, the proposal to assign Channel 276A to Gladwin, Michigan, merits consideration in a rule making proceeding.

4. *Canton, Pennsylvania (RM-2682).* Galen David Castlebury, Jr. (petitioner) filed a petition on April 6, 1976, proposing the assignment of Channel 261A to Canton, Pennsylvania. Canton (pop. 2,037) is located in Bradford County (pop. 57,962) and is situated about 30 miles south of Elmira, New York. It has no local broadcast service.

5. Petitioner states that, while the major industry in the area surrounding Canton is agricultural in nature (dairy farming and cattle raising), it also has several industries with world-wide product distribution. He has submitted information with respect to education, medical facilities, transportation and governmental services. Petitioner states that, with the exception of a weekly newspaper, Canton does not have any other local media of mass communications. In view of the above, we believe consideration of the proposal for the assignment of Channel 261A to Canton, Pennsylvania, is warranted.

6. *Clay Center, Kansas (RM-2686).* Eugene K. Seibel (petitioner), filed a petition on March 11, 1976, proposing the assignment of Channel 285A to Clay Center, Kansas. Clay Center (pop. 4,963) is the seat of Clay County (pop. 9,890) and is located about 80 miles northwest of Topeka, Kansas. It has no local broadcast service.

7. In support of his request, petitioner states that Clay Center, while remaining an important farm center, has also become an important economic and retail center. He notes that its two banks and one savings and loan association have deposits of over \$52,000,000. Petitioner adds that Clay Center has 20 manufacturing plants employing a total of over 500 persons, and is also a center for handling of farm products. Petitioner points out that Clay Center needs a local station to provide an opportunity for local self expression, development and use of local talent, public affairs programs and announcements concerning local government. He further notes that, being in an area often ravaged by tornadoes, severe thunderstorms and blizzards, Clay Center would benefit by having a local radio facility to broadcast warnings and safety information when such weather strikes. For these reasons we believe consideration of the proposal to assign Channel 285A to Clay Center, Kansas, as its first FM channel is warranted.

8. *Lancaster-Fennimore, Wisconsin (RM-2689).* Joy Broadcasters (petitioner) filed a petition on April 14, 1976, proposing the assignment of Channel 249A to Lancaster-Fennimore, Wisconsin. Lancaster (pop. 3,756) is the seat of

Grant County (pop. 48,398) and is located approximately 70 miles west of Madison, Wisconsin. Fennimore, located approximately 10 miles north of Lancaster, has a population of 1,861. Neither Lancaster nor Fennimore has local broadcast service.

9. In support of its request, petitioner states that Lancaster-Fennimore is a rapidly growing area, and has submitted information with respect to education, recreation, medical and religious facilities, and civic and fraternal organizations. It notes that an industrial area is located in an industrial site north of the city limits of Lancaster where trailer homes are manufactured. Petitioner states that Grant County recently underwent reapportionment and this has evoked significant community interest. It adds that this interest can be better understood by providing a new transmission FM service to the area.

10. Although petitioner requests the designation of the channel assignment to specify Lancaster-Fennimore, the assignment will be proposed for Lancaster, the larger community. Since the communities are located within 10 miles of each other, the channel will be available for use at Fennimore under the provisions of § 73.203(b) of the Rules. In view of the foregoing information and the fact that there is no local broadcast service in Lancaster or Fennimore, we believe the proposal merits exploration in a rule making proceeding.

11. Since Gladwin, Michigan, and Canton, Pennsylvania, are located within 250 miles of the U.S.-Canadian border, the assignment of these channels to the respective communities requires coordination with the Canadian Government.

12. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), as follows with regard to the communities listed:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Kansas, Clay Center.....		285A
Michigan, Gladwin.....		276A
Pennsylvania, Canton.....		261A
Wisconsin, Lancaster.....		249A

13. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

14. Interested parties may file comments on or before August 13, 1976, and reply comments on or before September 2, 1976.

Adopted: June 29, 1976.

Released: July 9, 1976.

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

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

APPENDIX

1. Pursuant to authority found in Sections 4(1), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-20162 Filed 7-12-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 583-1; PP5F1643/P29]

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

Proposed Tolerance for the Pesticide Chemical S-[2-(Ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate

On July 25, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 31259) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed a pesticide petition (PP 5F1643). This petition proposed that 40 CFR 180.330 be amended by (1) establishing tolerances for combined residues of the insecticide S-[2-(ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities safflower at 1.0 part per million (ppm) and grapes at 0.1 ppm, and (2) increasing the current tolerance for apples, blackberries, head lettuce, raspberries, strawberries, and turnip greens (tops) from 1 ppm to 2.0 ppm. No comments were received with regard to this notice of filing. Chemagro Agricultural Div. subsequently amended the petition by withdrawing the proposal to increase the existing tolerance for residues in or on apples.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed uses, and there is no reasonable expectation of residues in poultry and eggs as delineated in 40 CFR 180.6(a)(3). This amendment to the regulations, 40 CFR 180.330, will protect the public health.

Pursuant to 40 CFR 180.32, therefore, it is proposed that 40 CFR 180.330 be amended by increasing the established tolerance for the combined residues of the pesticide and its cholinesterase-inhibiting metabolites in or on blackberries, head lettuce, raspberries, strawberries, and turnip greens (tops) from 1 ppm to 2.0 ppm.

NOTE.—A regulation establishing tolerances for grapes at 0.1 ppm and for safflower at 1.0 ppm appears elsewhere in today's FEDERAL REGISTER.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before August 12, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Environmental Protection Agency, 401 M St. SW., East Tower, Room 401, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before August 12, 1976, and should bear a notation indicating both the subject and the petition/document control number "PP5F1643/P29." 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 p.m. Monday through Friday.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

Dated: July 6, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

It is proposed that 40 CFR Part 180, Subpart C, § 180.330 be amended by increasing tolerance for blackberries, head lettuce, raspberries, strawberries, and turnip tops from 1 ppm to 2.0 ppm to read as follows:

§ 180.330 S-[2-(Ethylsulfanyl)ethyl] O,O-dimethyl phosphorothioate; tolerances for residues.

Commodity:	Parts per million
Blackberries	2.0
Lettuce, head	2.0
Raspberries	2.0
Strawberries	2.0
Turnips, tops	2.0

[FR Doc.76-20346 Filed 7-12-76; 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 STATE

Agency for International Development DIRECTOR, USAID/DOMINICAN REPUBLIC Delegation of Authority

Pursuant to the authority vested in me as Deputy U.S. Coordinator, Alliance for Progress, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Dominican Republic, authority to negotiate and execute A.I.D. Loan No. 517-T-029 (Agricultural Sector II) in accordance with and subject to the limitations of a Loan Authorization dated June 30, 1976, authorizing said Loan.

This delegation of authority shall remain in effect for a period not to exceed 120 days from the date of the execution of the Loan Authorization.

Dated: June 30, 1976.

HERMAN KLEINE,
Deputy U.S. Coordinator.

[FR Doc.76-20167 Filed 7-12-76;8:45 am]

DIRECTOR, USAID/GUATEMALA Delegation of Authority

Pursuant to the authority vested in me as Deputy U.S. Coordinator, Alliance for Progress, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Guatemala, authority to negotiate and execute A.I.D. Loan No. 520-W-027 (Municipal Earthquake Recovery) in accordance with and subject to a Loan Authorization dated June 30, 1976, authorizing said Loan ("Loan Authorization").

This delegation of authority shall continue in full force and effect for a period not to exceed 120 days from the date of execution of the Loan Authorization.

Dated: June 30, 1976.

HERMAN KLEINE,
Deputy U.S. Coordinator.

[FR Doc.76-20166 Filed 7-12-76;8:45 am]

[Public Notice CM-6/71]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8:00 a.m. on August 3, 4, and 5, 1976, in Rooms 8236 and 8238 of the Department

of Transportation, 400 Seventh Street, S.W., Washington, D.C.

On August 3 and 4 the agenda topic is mobile offshore drilling units with specific consideration to the following:

- (1) Electrical and machinery requirements (including industrial systems and equipment);
- (2) Operations manual;
- (3) Cranes and other lifting appliances;
- (4) Helicopter facilities;
- (5) Towing arrangements;
- (6) Mooring of offshore supply vessels;
- (7) Diving systems.

On August 5 the agenda topic will be electrical and machinery requirements for the following types of vessels:

- (1) Training vessels;
- (2) Oceanographic research and exploration vessels;
- (3) Offshore supply vessels;
- (4) Pipelaying vessels;
- (5) Shipborne barges and barge carriers.

Requests for further information on the meeting should be directed to Capt. D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments documents from the public as time periods.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

JULY 7, 1976

[FR Doc.76-20170 Filed 7-12-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service ART ADVISORY PANEL Closed Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a closed meeting of the Art Advisory Panel will be held on August 17 and 18, 1976, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of material in individual tax returns made confidential by the provisions of sections 6103 and 7213 of Title 26 of the United States Code and the regulations issued thereunder, and section 1905 of Title 18 of the Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed

in section 552(b)(3), (4), (5), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-20202 Filed 7-12-76;8:45 am]

Office of the Secretary

ANTIDUMPING; DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

AC Adapters From Japan

Information was received on September 19, 1975 from counsel acting on behalf of the Power Conversion Products Council, International, a trade association representing approximately 90 percent of the domestic production of AC adapters, alleging that AC adapters from Japan were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry, in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

On the basis of this information and subsequent preliminary investigation by the Customs Service a "Withholding of Appraisal Notice" was published in the FEDERAL REGISTER of April 8, 1976 (41 FR 14909).

A statement of reasons was published in the above-mentioned notice and interested persons were afforded an opportunity to make written submissions and present oral views. Because only limited home market price and cost data had been submitted prior to the tentative determination of April 8, constructed value was used as the principal basis for purposes of fair value calculations in that determination. The sole Japanese manufacturer investigated, DC-Pack Co., Ltd., Tokyo, Japan, has subsequently provided price and corresponding cost information for all its adapters sold in the home market such or similar to its adapters sold to the United States.

DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the additional information submitted by the DC-Pack Co., and for the reasons stated below, I hereby determine that AC adapters from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

A. SCOPE OF THE INVESTIGATION

The DC-Pack Co. accounted for approximately 82 percent of the subject merchandise exported from Japan to the United States during the period investigated, May 1, 1975 through February 29, 1976. Therefore, the investigation was limited to this manufacturer.

B. BASIS OF COMPARISON

For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales during the period of investigation were made to unrelated purchasers in the United States. Home market price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

C. PURCHASE PRICE

For the purpose of this final determination of sales at not less than fair value, adjustments have been made on the following bases. In accordance with § 153.31 (b) Customs Regulations (19 CFR 153.31 (b)), pricing information was obtained concerning imports of AC adapters from Japan during the period May 1, 1975 through February 29, 1976.

In the import transactions, all of the merchandise was purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. Purchase price has been calculated on the basis of the f.o.b. Japanese port price, with deductions for inland freight and brokerage charges.

D. HOME MARKET PRICE

For purposes of this final determination of sales at not less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the weighted average delivered price in Japan. Adjustments were made for the applicable inland freight costs, interest costs, and, where applicable, for differences in the costs of materials, direct labor and assembly. Adjustments were also made for differences in packing costs.

E. RESULTS OF FAIR VALUE COMPARISON

Using the above criteria, a margin of 5 percent was found with respect to a single model involving sales of less than .7 of one percent of the value of imports under investigation. Comparisons were made on 100 percent of the sales of the DC-Pack Co. to the United States during the period investigated. Because all other comparisons revealed purchase price to be not less than the adjusted home market price to such or similar merchandise sold in Japan during the period under review, it has been determined that the value of sales at margin is clearly de minimis with respect to the

total volume of imports of AC adapters from Japan.

Accordingly, the order issued April 8, 1976 to withhold appraisement on the subject merchandise from Japan, the notice of which is cited above, is hereby terminated, effective upon publication of this notice.

This determination and statement of reasons therefore are published pursuant to § 153.33(c) of the Customs Regulations (19 CFR 153.33(a)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.
JULY 7, 1976.

[FR Doc.76-20091; Filed 7-12-76; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army
PRIVACY ACT OF 1974

Notice of Proposed New System of Records

In FR Doc 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975; FR Doc 75-22781 published in the FEDERAL REGISTER (40 FR 41970) of September 9, 1975; and FR Doc 75-26296 published in the FEDERAL REGISTER (41 FR 2952) of January 20, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the Department of the Army, Department of Defense, published notices of systems of records.

Notice is hereby given that the Department of the Army has submitted a proposed new system of records pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-103, Transmittal Memorandum No. 1, dated September 30, 1975 which provides supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a(o)). This supplemental OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Army, Department of Defense, invites public comment to be considered on all parts of the following proposed new records system. Interested persons are invited to submit written data, views and arguments to the system manager identified in the system notice on or before August 12, 1976.

A0102.04bNGB

System name:

102.04 Supervisor's Record of Technician Employment (NGB Form 904-1).

System location:

Appropriate supervisory personnel for all National Guard Technicians of each State, Puerto Rico, Virgin Islands, and District of Columbia.

Categories of individuals covered by the system:

All personnel within the National Guard Technician Program.

Categories of records in the system:

Record includes an NGB Form 904-1 for each technician assigned to the su-

ervisor together with copies of documents pertaining to the administration of technician personnel. This includes but is not limited to performance rating notices, debt letters, letters of warning, reprimand and similar disciplinary papers, job descriptions and documents necessary for the furtherance of equal opportunity.

Authority for maintenance of the system: Title 5 U.S. Code, Section 301, and Title 32 U.S. Code, Section 709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides supervisor with up-to-date record of technician employment data, locator files, and information for requesting personnel actions. Routine uses include recording changes in technician employment data, discussions relevant to technician employment, and information for use in future personnel actions. May be reviewed by Management Officials and Civil Service Commission personnel. May be transferred to any Component of the Department of Defense. May be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetical by technician's last name.

Safeguards:

Records are maintained in filing cabinet or supervisor's desk. Access is limited to supervisor, management officials, the technician concerned, and individuals to whom the technician has given written permission.

Retention and disposal:

Maintain throughout technician employment within a particular State. Record is destroyed 60 days after movement to a technician position in another State, separation, or retirement. Maintained in Technician Personnel Office while technician is on extended active military duty. Record may be kept longer than 60 days if needed as reference material. Destroyed by tearing into pieces, shredding, or burning.

System manager(s) and address:

Chief, Office of Technician Personnel, National Guard Bureau (NGB-TN), Defense Post Office Unit, R-411, 5600 Columbia Pike Office Building, Falls Church, VA 22041.

Decentralized Segments—Office of the State Adjutant General (Attention: Technician Personnel Office) of each State, Puerto Rico, Virgin Islands and District of Columbia.

Notification procedure:

If currently employed in the National Guard Technician Program, contact current supervisor. Other requests may

be sent to the State Adjutant General (Attention: Technician Personnel Office) of appropriate State, Puerto Rico, the Virgin Islands or District of Columbia.

Individual must supply full name, dates of employment in technician program, military status employed and social security number (SSN).

Requestors may visit the appropriate State Technician Personnel Office.

Verification not required for current employee. Other requestors must provide proof of identity by driver's license, date and place of birth.

Record access procedures:

Contact current supervisor or systems manager of decentralized segments.

Contesting record procedures:

The Department of the Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

Information from Technician Personnel Office, supervisor, technician concerned, financial institutions.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller)

JULY 8, 1976.

[FR Doc.76-20187 Filed 7-12-76;8:45 am]

Department of the Navy PRIVACY ACT OF 1974

Notice of Proposed New System of Records

In FR Doc 75-21075 published in the FEDERAL REGISTER (40 FR 35878) of August 18, 1975; FR Doc 75-22752 published in the FEDERAL REGISTER (40 FR 39708) of August 28, 1975; FR Doc 75-26287 published in the FEDERAL REGISTER (40 FR 46061) of October 3, 1975; and FR Doc 75-26296 published in the FEDERAL REGISTER (41 FR 2963) of January 20, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the Department of the Navy, Department of Defense published notices of systems of records.

Notice is hereby given that the Department of the Navy has submitted a proposed new system of records pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 which provides supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a(a)). This supplemental OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Navy, Department of Defense, invites public comment

to be considered on all parts of the following proposed new records system. Interested persons are invited to submit written data, views and arguments to the system manager identified in the system notice on or before August 12, 1976.

NO002.56

System name:

Navy Overseas Assignment Inventory System.

System location:

Center for Research and Education, 2010 E. 17th Avenue, Denver, Colorado 80206; and Bureau of Naval Personnel, Washington, D.C. 20370.

Categories of individuals covered by the system:

Naval enlisted personnel in active duty.

Categories of records in the system:

Responses to attitude association questionnaire, overseas performance evaluation, pay grade, duty station, job rating and personal data such as marital status, age, sex, dependency and length of service.

Authority for maintenance of the system:

Title 5 U.S.C. 301, Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties relating to screening and assigning of naval personnel overseas.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Navy.

Statistical summaries may be given other Department of Defense agencies upon request. Such summaries will have no personal identifying data.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Automated records are stored on magnetic tape. Printed reposts, questionnaire responses and other paper documents supporting the system are stored in locked filing cabinets.

Retrievability:

Automated records are retrieved by name and military identification number.

Safeguards:

Computer files are kept in safety deposit boxes when not in use. Printouts, questionnaire responses and other paper documents supporting the system have limited controlled access.

Retention and disposal:

Questionnaire responses are destroyed after conversion to magnetic tape by incineration that is personally supervised by CRE staff. At termination of study

and all requested analyses, magnetic tapes will be erased.

System manager:

Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel, (ATTN: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. The letter should contain full name, rate, military identification number, address and signature of the requestor.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Officer and employees of the Department of the Navy and the individual.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller)

JULY 8, 1976.

[FR Doc.76-20188 Filed 7-12-76;8:45 am]

Office of the Secretary DEFENSE SCIENCE BOARD Meeting

The Defense Science Board will meet in closed session on 2-6 and 9-13 August 1976 at various U.S. Navy Facilities in San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 2-6 and 9-13 August 1976 to examine the substance, interrelationships, and U.S. national security implications of three critical subject areas identified and tasked to the Board by the Director of Defense Research and Engineering. The subject areas are: Conventional Counterforce Against a PACT Attack, Evaluation of Long-Range Planning Assumptions and Industrial Readiness Plans and Programs. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Director of Defense Research and Engineering, for his consideration in determining policies, short- and long-range plans, and in shaping appropriate implementing actions as they

may affect the U.S. national defense posture.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: July 8, 1976.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptroller).

[FR Doc.76-20172 Filed 7-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Outer
Continental Shelf Office

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description	Approval date
NO 4-6 Ugashik	June 3, 1976.
NR 5-1 Dease Inlet	June 3, 1976.
NR 5-2	May 5, 1976.
NR 5-3 Teshekpuq	June 3, 1976.
NR 6-1	June 3, 1976.
NR 6-2	May 5, 1976.

2. Copies of these diagrams are for sale at two dollars (\$2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska, 99510.

The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMAN,
Manager, Alaska
Outer Continental Shelf Office.

JULY 8, 1976.

[FR Doc.76-20092 Filed 7-12-76;8:45 am]

[ES 14330]

FLORIDA

Proposed Withdrawal of Public Domain Land on Punta Blanca Island and the Extension of the J. N. "Ding" Darling National Wildlife Refuge

JULY 2, 1976.

The Fish and Wildlife Service has filed an application for the withdrawal of a 57.87 acre parcel of public domain land from all forms of appropriation under

the public land laws, including the mining laws, the mineral leasing laws, and the Act of July 31, 1947, and reservation under the jurisdiction of the Department of the Interior as part of the J. N. "Ding" Darling National Wildlife Refuge. The subject land is located in Lee County, Florida and is described as:

TALLAHASSEE MERIDIAN

	Acres
T. 44 S., R. 21 E.,	
Sec. 6, lot 4	6.61
Sec. 7, lot 10	51.26
Total	57.87

The addition of this land to the J. N. "Ding" Darling National Wildlife Refuge is proposed to extend the boundaries and protection of the refuge to the public domain land on Punta Blanca Island to preserve this land as wildlife habitat.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

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 the land and its resources. The officer 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 needed for purposes more essential than the applicants, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of 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.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.76-20093 Filed 7-12-76;8:45 am]

OUTER CONTINENTAL SHELF OF LOWER COOK INLET

Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer

Continental Shelf general oil and gas lease sale of 152 tracts of submerged lands in the lower Cook Inlet.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in various coastal communities in the sale area.

A composite visual of the area of Cook Inlet upon which tracts are being considered for leasing has been depicted, and a listing of these tracts may also be obtained from the Bureau of Land Management, Alaska Outer Continental Shelf Office at the above listed address.

A public hearing will be held beginning at 9 a.m., A.d.t., on August 24-25, 1976, in the Endeavor Room of the Captain Cook Hotel, Anchorage, Alaska. The hearing will continue on August 26, 1976, in the Homer High School gymnasium, Homer, Alaska beginning at 9 a.m., A.d.t. The purpose of the hearing is to receive comments and suggestions relating to the proposed sale.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the proposed offering of the 152 tracts on the total environment of the area during the exploration, development, and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, Alaska Outer Continental Shelf Office at the above listed address by 4:15 p.m., A.d.t., by August 20, 1976. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240, or Manager, Alaska Outer Continental Shelf Office, at the above listed address. The Department will accept written testimony and comments on the draft environmental statement until September 10, 1976. This should allow ample time for those unable to testify at this hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time

is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management,

Approved: July 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-20119 Filed 7-12-76; 8:45 am]

Bureau of Land Management
[Group 554]

COLORADO
Filing of Plats of Survey

JULY 6, 1976.

1. Plats of survey and dependent resurvey of the following described lands, accepted June 9, 1976 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective September 1, 1976.

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 and 76 W. (Unsurveyed)

Dependent resurvey of the Lead King and Iron King lodes of Mineral Survey 16853;

Dependent resurvey of the Only Hope and Dailey King lodes of Mineral Survey 17434; and

Survey of the exterior boundary of Tract D, Exchange Survey 377 within unsurveyed T. 3 S., R. 75 and 76 West.

2. The lands are in the Arapahoe National Forest. Tract D, Exchange Survey 377, is under application for exchange of land with the U.S. Forest Service filed by American Metals Climax. The area of Exchange Survey 377 is an open pit mining operation.

3. All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

ALVAH Q. WHITLEGGE,
Acting Chief, Public Affairs.

[FR Doc.76-20164 Filed 7-12-76; 8:45 am]

National Park Service
STANDARD CONCESSION CONTRACT
LANGUAGE

Proposed Change

Notice is hereby given that the National Park Service is proposing to change its Standard Concession Contract Language and is soliciting written comments from all interested parties on or before August 12, 1976.

The current Standard Concession Contract Language employed by the National Park Service has not been significantly modified or revised since the enactment

of P.L. 89-249 (79 Stat. 969, 16 U.S.C. 20), known as the Concessions Policy Act of October 9, 1965, except on an infrequent basis to reflect certain minor changes in policy as they may have occurred from time to time. During the last year, however, administrative requirements and contracting procedures have been sufficiently modified to the extent that new concession contract language is necessary to reflect policy and procedural changes that are designed to protect the best interests of the visiting public and the United States.

Written comments should be addressed to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240. Copies of the proposed standard concession contract language are available at the same address.

The proposed concession contract language is as follows:

GARY EVERHARDT,
Director,
National Park Service.

STANDARD LANGUAGE TO BE USED, WHERE APPLICABLE, IN CONCESSION CONTRACTS

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

(Name of Concessioner)

(Name of Area)

Contract No. ----- Executed -----
Covering the Period -----
Through -----

Contract No. -----

Corporation

This Contract made and entered into by and between the United States of America, acting in this behalf by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary", and ----- a corporation organized and existing under the laws of the State of ----- hereinafter referred to as the "Concessioner":

Partnership

This Contract made and entered into by and between the United States of America, acting in this behalf by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary", and ----- of ----- and ----- of -----, partners, doing business as ----- pursuant to a partnership agreement dated ----- with the principal place of business at ----- hereinafter referred to as the "Concessioner":

Sole proprietorship

This Contract made and entered into by and between the United States of America, acting in this behalf by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary", and ----- an individual of ----- hereinafter referred to as the "Concessioner":

Witnesseth: (Natural Areas).
That Whereas, -----

(Name of Park, etc.)

is administered by the Secretary to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner as will leave such [area] [park] unimpaired for the enjoyment of future generations; and

¹ That Whereas, the effective administration of ----- National Recreation Area requires that facilities and services be provided at the ----- site; and

² Whereas, the Concessioner has provided satisfactory service to the public under a prior contract and the Secretary desires the Concessioner to continue to provide such necessary facilities and services:

Now, Therefore, Pursuant to the authority contained in the Acts of August 25, 1916 (29 Stat. 535; 16 U.S.C. 1, 2-4), and October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), and other laws supplemental thereto and amendatory thereof, the said parties agree as follows:

Sec. 1. **Term of Contract.** (a) This contract shall ³ [supersede and cancel Contract No. ----- effective upon the close of business ----- 19--, and shall] be for the term of ----- () years from ----- 19--.

⁴ (b) (1) The Concessioner shall undertake and complete an improvement and building program costing not less than \$----- Allowable costs of such program shall be limited to the actual construction costs of improvements and shall not include planning, design or other costs preliminary thereto. Such improvement and building program shall include: (Describe in detail)

(c) The Concessioner shall start the improvement and building program on or before ----- and shall complete and have it available for public use on or before ----- The Secretary may, if the Concessioner is unavoidably delayed due to circumstances beyond its control in commencing or completing the improvement and building program, agree in writing to appropriate extensions of time for completion of such program.

Sec. 2. **Accommodations, Facilities and Services.** (a) The Secretary requires and authorizes the Concessioner during the term of this contract to provide accommodations, facilities, and services for the public within -----, as follows: (Itemize only those which will be provided.)

(b) The Secretary reserves the right to determine and control the nature, type and quality of the merchandise and services described herein as authorized and required to be sold or furnished by the Concessioner within the [area] [park]. Operations under this contract shall be subject to the laws of Congress governing the [area] [park] and the rules, regulations, and policies promulgated thereunder, whether now in force or hereafter enacted or promulgated.

⁵ (c) (1) During the term hereof, the Secretary shall not authorize other parties to provide the public accommodations, facilities, and services in the [area] [park] ⁶ [delineated on the attached drawing identified as Exhibit B, and] as provided in Subsection 2(a), Item(s) 1, 2, 3, etc., of this contract so long as the Concessioner provides such ac-

¹ To be used for Recreation Areas.

² This whereas clause is to be used when granting a new contract to an existing concessioner.

³ To be used when existing contract is to be replaced, before expiration of time.

⁴ To be used where improvement programs are included in the contract.

⁵ To be included where an exclusive right to authorized services is to be granted.

⁶ The area involved may not in all cases be the entire park.

(Granting the rights under (c) (1) and (c) (2) is discretionary and should be included only upon a specific determination that granting one or both is in the public interest.)

accommodations, facilities and services to the satisfaction of the Secretary.

(2) In addition, the Concessioner is granted a right of first refusal to provide such additional accommodations, facilities, or services of the same character as required and authorized hereunder as the Secretary may designate as necessary or desirable for accommodation and convenience of the public in the [park] [area] [or in area delineated on Exhibit B]. If the Concessioner doubts the necessity, desirability, timeliness, reasonableness, or practicability of such new or additional facilities and/or declines or fails within a reasonable time to comply with the designation of the Secretary, then the Secretary in his discretion may authorize others to provide such designated accommodations, facilities, or services. This right of first refusal shall not apply to concession operations in connection with lands hereafter acquired for the [area] [park]. Nothing contained in this section or elsewhere in this contract shall be construed as prohibiting or curtailing operations conducted in the [area] [park] by other concessioners now authorized by the Secretary to provide accommodations therein for the public, including the successors or assigns of such concessioners, when approved by the Secretary.

(d) An operating plan will be developed by the Concessioner in coordination with the Secretary within 90 days after the execution of this contract and reviewed and updated as needed on an annual basis. The operating plan may include the identification of management and organization, season and hours of operation, scope and quality of services, safety and sanitation, employees and employment conditions, employee training program, public information and advertising and other items as are indicated herein.

Sec. 3. Plant, Personnel, and Rates. (a) (1) The Concessioner shall maintain and operate the said accommodations, facilities, and services to such extent and in such manner as the Secretary may deem satisfactory, and shall provide the plant, personnel, equipment, goods, and commodities necessary therefor.

(2) All rates and prices charged to the public by the Concessioner for accommodations, services, or goods furnished or sold hereunder shall be subject to regulation and approval by the Secretary. Reasonableness of rates and prices will be judged primarily by comparison with those currently charged for comparable accommodations, services, or goods furnished or sold outside of the areas administered by the National Park Service under similar conditions, with due allowance for length of season, provision for peak loads, [average percentage of occupancy],⁸ accessibility, availability cost of labor and materials, type of patronage, and other conditions customarily considered in determining charges, but due regard may also be given to such other factors as the Secretary may deem significant.

(3) The Concessioner shall require [its] [his] employees to observe a strict impartiality as to rates and services in all circumstances. The Concessioner may, subject to the prior approval of the Secretary, grant complimentary or reduced rates under such circumstances as are customary in businesses of the character conducted hereunder, but not to employees of the Federal Government not on official business, unless such rate and price discounts are available to the general public.

⁷ To be included where a preferential right to additional services is to be granted.

⁸ This should be used only in contracts involving housing.

(b) (1) The Concessioner may require [its] [his] employees who come in direct contact with the public, so far as practicable, to wear a uniform or badge by which they may be known and distinguished as the employees of the Concessioner. The Concessioner shall require [its] [his] employees to exercise courtesy and consideration in their relations with the public.

(2) The Concessioner shall review the conduct of any employee whose action or activities are considered by the Concessioner or the Secretary to be inconsistent with the proper administration of the park or area and enjoyment and protection of park visitors and shall take such actions as are necessary to fully correct the situation.

(3) The Concessioner shall comply with the requirements of (a) Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, (b) Title V, Section 503 of the Rehabilitation Act of September 26, 1973, P.L. 93-112, which requires Government Contractors and Subcontractors to take affirmative action to employ and to advance in employment qualified handicapped individuals, and with regulations heretofore or hereafter promulgated, relating to nondiscrimination in employment and in providing facilities and services to the public and shall do nothing in advertising for employees which will prevent those covered by these laws from qualifying for such employment. Regulations heretofore promulgated are set forth in Exhibit C attached hereto and made a part hereof.

(4) The Concessioner shall arrange, subject to the approval of the Secretary, with the authorized hospital and medical concessioner in the [area] [park], if any, for hospital and medical services for their employees in the [area] [park].

Sec. 4. Government Land and Improvements. (a) The Secretary will assign for use by the Concessioner during the term of this contract, such pieces and parcels of land and Government Improvements as may be, in his judgment, necessary and appropriate for the operations authorized hereunder. The Secretary reserves the right to withdraw such assignments at any time during the term of this contract if, in his judgment, such assigned lands and improvements are no longer reasonably necessary for the concessions operations authorized hereunder.

(b) "Government Improvements" as used herein, means the buildings, structures, fixtures, equipment, and other improvements upon the lands assigned hereunder, constructed or acquired by the Government and provided by the Government for the purpose of this contract.

(c) The Secretary shall have the right at any time to enter upon the lands and improvements assigned hereunder for any purpose he may deem reasonably necessary for the administration of the [area] [park] and the Government services therein, but not so as to unreasonably interfere with the concessioners use of such lands or the improvements thereon.

(d) The Concessioner may construct or install upon the assigned lands such buildings, structures, and other improvements as are necessary or desirable for the operations required hereunder, subject to the prior approval by the Secretary of the location, plans, and specifications thereof. The Secretary may prescribe the form and contents of the application for such approval. The desirability of any project, as well as the location, plans, and specifications thereof, will be reviewed in accordance with the provisions of the National Environmental Policy Act of

⁹ Optional.—To be used where such services are available in the park or area.

1969, and the National Historic Preservation Act of 1966.

(e) If a Government Improvement requires repairs or improvements, not as the result of casualty, that serve to prolong the life of the improvement to an extent requiring capital investment for major repair, such capital investment shall be borne by the Government subject to the availability of appropriated funds. If appropriated funds are not available, and the Secretary determines that such repair or improvement is necessary to a satisfactory performance of the Concessioner's obligations under Section 3 of this contract, the Concessioner may be required to repair the improvement. Such repairs or improvements shall be [considered as Concessioner's Improvements within the meaning hereof¹⁰] [expensed or amortized by the Concessioner¹¹].

(f) In the event of partial or total casualty to Government Improvements, the Concessioner may be required to replace, restore or rebuild such Government Improvements as necessary to the satisfaction of the Secretary unless the Secretary, determines that such Government Improvements are no longer necessary for full use or enjoyment of the park or area. Any structures, fixtures, equipment or improvements which are constructed by the Concessioner pursuant to this subsection and are normally considered as capital additions to real property shall be considered as Concessioner Improvements hereunder, except that any such construction or installation accomplished with insurance proceeds shall be considered as Government Improvements.

Sec. 5. Maintenance. (a) Subject to Section 4(e) hereof, the Concessioner will physically maintain and repair all facilities (Government and Concessioner's Improvements) used in the operation, including grounds maintenance and all necessary housekeeping activities associated with the operation. In order that a high standard of physical appearance, operations, repair and maintenance will be assured, appropriate annual inspections will be carried out jointly by the Secretary and the Concessioner to determine such maintenance and repair needs. From these inspections, a specific maintenance and repair program will be developed annually to provide an effective maintenance and repair management schedule, and the Concessioner agrees to carry such program forward to completion on a timely basis.

Sec. 6. Concessioner's Improvements. (a) "Concessioner's Improvements", as used herein, means buildings, structures, fixtures, equipment, and other improvements, affixed to or resting upon the lands assigned hereunder in such manner as to be a part of the realty, provided by the Concessioner for the purposes of this contract, and may include (1) all such improvements upon the lands assigned at the date hereof, except Government Improvements; (2) all such improvements hereafter constructed upon or affixed to the lands assigned, by the Concessioner with the consent of the Secretary; and (3) all alterations, additions, and improvements to Government Improvements of the character normally considered capital additions by sound accounting practice, heretofore or hereafter constructed, installed, or affixed by the Concessioner with the consent of the Secretary, but only to the extent that Section 4 hereof recognizes such improvements as Concessioner's Improvements.

¹⁰ To be included where the Concessioner is authorized a possessory interest under Section 6 hereof.

¹¹ To be included in all contracts where possessory interest is not authorized.

(b) It is the intention of the parties that the Concessioner shall have a possessory interest in all Concessioner's Improvements [hereafter constructed or provided] ²² [herebefore and hereafter constructed or provided] ²³ consisting of all incidents of ownership, except legal title which shall be vested in the United States. However, such possessory interest shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity and the use or enjoyment of any structure, fixture, or improvement in which the Concessioner has a possessory interest shall be wholly subject to the applicable provisions of this contract and to the laws and regulations relating to the [area] [park]. The said possessory interest shall not be extinguished by the expiration or other termination of this contract, and may not be terminated or taken for public use without just compensation. Whenever used in this contract, "possessory interest" shall mean the interest described in this paragraph. Performance of the obligations assumed by the Secretary under Section 12 hereof shall constitute just compensation with respect to the taking of a possessory interest in the circumstances therein described.

(c) Any salvage resulting from the authorized removal, severance, or demolition of a Concessioner's Improvement or any part thereof shall be the property of the Concessioner.

(d) In the event that a Concessioner's Improvement is removed, abandoned, demolished, or substantially destroyed and no other improvement is constructed on the site, the Concessioner at its expense, shall, promptly upon the request of the Secretary, restore the site as nearly as possible to a natural condition.

Sec. 7. Utilities. (a) The Secretary may furnish utilities to the Concessioner, when available, and at reasonable rates to be fixed by the Secretary, for use in connection with the operations authorized hereunder.

(b) Should any such service not be available or sufficient, the Concessioner may, with the approval of the Secretary and under such requirements as shall be prescribed by him, secure the same at [its] [his] own expense from sources outside of the [area] [park], or may install the same within the [area] [park], subject to the following conditions:

(1) Water Rights perfected during the term of this contract shall be perfected in the name of the United States. The Concessioner shall not remove or obliterate any ditches or other water systems installed by [it] [him] in connection with such water rights without first obtaining written approval from the Secretary.

(2) Any service provided by the Concessioner under this section shall, if requested by the Secretary, be furnished to the Government to such an extent as will not unreasonably restrict anticipated use by the Concessioner. The rate per unit charged the Government for such service shall be approximately the average cost per unit of providing such service.

(3) All plans, appliances, and machinery to be used in connection with the privileges granted in this section, as well as the location and installation of such appliances and machinery shall first be approved by the Secretary.

²² To be used where possessory interest is to be granted for facilities provided under this contract.

²³ To be used where possessory interest is recognized for facilities previously provided under National Park Service concession contract and are to be provided under this contract.

Sec. 8. Accounting Records and Reports.

(a) The Concessioner shall maintain its accounting system in accordance with the System of Account Classification prescribed by the Secretary. [It] [He] shall submit annually as soon as possible but not later than ----- (----) days after the ----- day of ----- a financial statement (Form No. 10-356) for the preceding year as prescribed by the Secretary, and such other reports and data as may be required by the Secretary. If annual gross receipts are in excess of \$100,000, the financial statement shall be examined by an independent certified public accountant licensed to practice in a state, territory or insular possession of the United States or the District of Columbia. The Secretary shall have the right to verify all such reports from the books, correspondence, memoranda, and other records of the Concessioner and subconcessioner, if any, and of the records pertaining thereto of a proprietary or affiliated company, if any, during the period of the contract, and for such time thereafter as may be necessary to accomplish such verification.

(b) In addition to the above, the Concessioner shall submit annually to the Secretary a copy of its state and federal income tax returns at the time of filing with those Governmental authorities for use only in connection with the administration of this contract. This material is submitted on the understanding that the returns are privileged and confidential information which will not be made available to the public or any Governmental agency except by the written permission of the Concessioner.

(c) Within ninety (90) days of the execution of this contract or its effective date, whichever is later, the Concessioner shall submit to the Secretary a signed balance sheet as of the beginning date of the term of the contract. The balance sheet must be prepared in accordance with generally accepted accounting principles. The values placed on the assets must be consistent with accounting standards and appraisal practices and procedures. The balance sheet shall be accompanied by a schedule identifying only assets in which the Concessioner has a possessory interest. The schedule must describe these assets in detail showing for each such asset its cost and remaining book value. The Secretary reserves the right to verify such balance sheet by audit. If exception is taken by the Secretary as a result of such audit, the Concessioner will be notified and the balance sheet adjusted accordingly.

(d) The Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of five (5) calendar years after the close of the business year of the Concessioner and any subconcessioner have access to and the right to examine any of the pertinent books, documents, papers, and records related to this contract.

Sec. 9. Franchise Fee. (a) The Concessioner shall pay to the Secretary on or before the 10th day of each month during the term of this contract a franchise fee for the preceding month as follows:

(1) A monthly fee in twelve equal installments for the use of any Government Improvements assigned to the Concessioner for the purposes of this contract, based on the fair value of the Government Improvements identified in "Exhibit A" attached to and made part of this contract. This fee is not subject to renegotiation as hereinafter provided and such fair value is subject to annual adjustment by the Secretary to reflect increases or decreases as the case may be.

(2) In addition to the foregoing, a further sum equal to ----- percent

(----%) of the Concessioner's gross receipts, as herein defined, for the preceding month.

Alternate Section 9(a) (1) and (2) to be used where gross receipts are less than \$100,000.

Sec. 9. Franchise Fee. (a) The Concessioner shall pay to the Secretary within ----- (----) days after the ----- day of each year during the term of this contract a franchise fee as follows:

(1) A monthly fee for the use of any Government Improvements assigned to the Concessioner for the purposes of this contract, based on the fair value of the Government Improvements identified in "Exhibit A" attached to and made part of this contract. This fee is not subject to renegotiation as hereinafter provided and such fair value is subject to annual adjustment by the Secretary to reflect increases or decreases as the case may be.

(2) In addition to the foregoing, a further sum equal to ----- percent (----%) of the Concessioner's gross receipts, as herein defined, for the preceding year.

(b) (1) The term "gross receipts," as used herein, shall be construed to mean the total amount received or realized by, or accruing to, the Concessioner from all sales, including those through vending machines and other coin-operated devices, for cash or credit, of services, accommodations, materials, and other merchandise made pursuant to the rights granted in this contract, including gross receipts of subconcessioners as hereinafter defined and commissions earned on contract or agreements with other persons or companies operating in the [area] [park], and excluding gross receipts from the sale of genuine United States Indian and native handicraft, intracompany earnings on account of charges to other departments of the operation (such as laundry), [charges to employees for meals, lodgings, and transportation], [charges to employees' meals, lodgings, and transportation] cash discounts on purchases, cash discounts on sales, returned sales and allowances, interest on money loaned or in bank accounts, income from investments, income from subsidiary companies outside of the [area] [park], sale of property other than that purchased in the regular course of business for the purpose of resale, and sales and excise taxes that are added as separate charges to approved sales prices, gasoline taxes, fishing license fees, and postage stamps, provided that the amount excluded shall not exceed the amount actually due or paid Governmental agencies.

(2) The term "gross receipts of subconcessioners" as used in subsection (b) (1) of this section shall be construed to mean the total amount received or realized by, or accruing to, subconcessioners from all sources, including that through vending machines or other coin-operated devices, as a result of the exercise of the rights conferred by subconcession contracts hereunder without allowances, exclusion, or deductions of any kind or nature whatsoever and the subconcessioner shall report the full amount of all such receipts to the Concessioner within 45 days after the ----- day of -----

of each year. The subconcessioners shall maintain an accurate and complete record of all items listed in subsection (b) (1) of this section as exclusions from the Concessioner's gross receipts and shall report the same to the Concessioner with the gross receipts. The Concessioner shall be entitled to exclude items listed pursuant to the preceding sentence in computing the franchise fee payable to the Secretary as provided for in subsection (a) of this section.

(c) In case of dispute as to the franchise fees to be paid hereunder the determination

of the Secretary, consistent with the provisions of this section, shall be final.

(d) Within sixty (60) days after the end of each five year period of this contract, at the instance of either party hereto, the amount and character of the portion of the franchise fee provided for in subsection (a) (2) of this section may be reconsidered. Such request shall be made in writing within 60 days after the end of the applicable contract year but cannot be made before the end of such year. In the event that the Secretary and the Concessioner cannot agree upon an adjustment of the franchise fee within 120 days from the date of the request for renegotiation as made by either party, the position of the Concessioner must be reduced to writing within 30 days therefrom and submitted to the Secretary for a determination of an appropriate rate consistent with the probable value to the Concessioner of the privileges granted by this contract based upon the opportunity for a reasonable profit in relation to both gross receipts and capital invested. The written determination of the Secretary shall be made within 90 days of the receipt of the Concessioner's contentions and the written determination of the Secretary shall be final and conclusive upon the parties hereto. Any new rates thus established by negotiation or by determination of the Secretary will be retroactive to the commencement of the applicable five year period and be effective for the remaining term of the contract unless subsequent negotiations establish yet a new franchise rate. If the new rate is greater than the existing rate, the Concessioner will pay all back fees due with the next regular payment. If the new rate is less than the existing rate the Concessioner may withhold the difference between the two rates from future payments until he has recouped the overpayment. Any new franchise fee rates will be evidenced by an amendment to the contract unless based upon the written determination of the Secretary in which event a copy of the determination will be attached hereto and become a part hereof, as fully as if originally incorporated herein.

Sec. 10. *Bond and Lien.* The Secretary may, in his discretion, require the Concessioner to furnish a cash bond conditioned upon the faithful performance of this contract, in such form and in such amount as the Secretary may deem adequate, not in excess of _____ dollars (\$_____). As additional security for the faithful performance by the Concessioner of all of [its] [his] obligations under this contract, and the payment to the Government of all damages or claims that may result from the Concessioner's failure to observe such obligations, the Government shall have at all times the first lien on all assets of the Concessioner within the [area] [park].

Sec. 11. *Termination.* (a) The Secretary may terminate this contract for the convenience of the Government or for default at any time, and, may suspend operations hereunder when necessary to protect the health and safety of visitors and employees or to protect park resources. Termination or suspension shall be by written notice to the Concessioner and, in the event of proposed termination for default, the Secretary shall give the Concessioner a reasonable period of time to correct the stated deficiencies. Termination for default shall be utilized in circumstances where the Concessioner has breached any requirements of this contract, including unsatisfactory performance because the quality of facilities and services

²⁴ If a bond is required it should not, under normal conditions, exceed the amount of franchise fees which may be due.

provided by the Concessioner do not meet the requirements of the Secretary.

(b) In the event of termination of this contract for convenience of the Government or default the respective compensation to the Concessioner for such termination shall be as described in Section 12, "Compensation", hereof.

(c) In the event it is deemed necessary to temporarily suspend operations hereunder in emergency situations or otherwise to protect the park resources or the health, safety, or welfare of visitors and employees, the Secretary shall not be liable for any compensation to the Concessioner for losses occasioned thereby including lost income, profit, wages, or other monies which may be claimed.

(d) To avoid interruption of service to the public upon the expiration or termination of this contract for any reason, the Concessioner, upon the request of the Secretary, will (1) continue to conduct the operations authorized hereunder for a reasonable time to allow the Secretary to select a successor, or (2) consent to the use by a temporary operator designated by the Secretary of the Concessioner's Improvements and personal property, if any, not including current or intangible assets, used in the operations authorized hereunder upon fair terms and conditions, provided that the Concessioner shall be entitled to, as a minimum, an annual fee for the use of such improvements and personal property in the amount of the annual depreciation on such improvement, plus _____ percent (____%) return on the book value of such improvement.

Sec. 12. *Compensation.* (a) *Just Compensation:* The compensation described herein shall constitute full and just compensation to the concessioner from the Secretary for all losses and claims occasioned by the circumstances described below.

(b) *Contract termination or expiration where operations are to be continued:* If for any reason, including contract expiration or termination for convenience or default, the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and, at the time of such event the Secretary intends for substantially the same operations to be continued by a successor, whether a private person, corporation or an agency of the Government, (i) the Concessioner will sell and transfer to the successor designated by the Secretary [its] [his] possessory interest in Concessioner's Improvements, if any, and all other property of the Concessioner used or held for use in connection with such operations; and (ii) the Secretary will require such successor, as a condition to the granting of a permit or contract to operate, to purchase from the Concessioner such possessory interest, if any, and other property (including any unrecovered costs of Government-owned personal property and equipment replaced by the Concessioner,) and to pay the Concessioner the fair value thereof. The fair value of a possessory interest shall be deemed to be the fair value of the improvement to which it relates at the time of transfer of such possessory interest, without regard to the term or other benefits of the contract. Merchandise and supplies shall be valued at replacement cost less depreciation and obsolescence.

If the Concessioner and the successor, excepting Government agencies, cannot agree upon the fair value of any item or items, either party may serve a request for arbitration upon the other party, and the fair value of the item or items in question shall be determined by the majority vote of a board of three arbitrators, selected as follows: Each party shall name one member of such board and the two members so named shall select

the third member. If either party fails to appoint an arbitrator within 15 days after the other shall have appointed an arbitrator and served written notice, including the name and address of the arbitrator appointed, upon the other party, then the American Arbitration Association shall be requested by the Secretary to appoint an arbitrator to represent the party failing to make the appointment. The costs and expenses of the arbitrator appointed by the American Arbitration Association to represent the party failing to make the appointment shall be paid for by that party. If the third member is not selected within 15 days after the appointment of the latter of the other two arbitrators, the American Arbitration Association shall be requested by the Secretary to appoint the third arbitrator. In requesting that the American Arbitration Association appoint an arbitrator in the situations discussed above, the Secretary shall request that the person or persons appointed shall be impartial and specially qualified in commercial and real estate appraisal. The fair value determined by the Board of Arbitrators shall be binding on the parties. The compensation and expenses of the third member shall be paid by the Concessioner and one-half of the amount so paid shall be added to the purchase price. Before reaching its decision, the board shall give each of the parties a fair and full opportunity to be heard on the matters in dispute. If the successor is a Government agency and there is a dispute as to the fair value of any items, the decision of the Secretary as to such fair value will be final and binding upon all parties.

(c) *Contract expiration or termination where operations are to be discontinued:* If for any reason, including contract expiration or termination for convenience or default, the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and the Secretary at that time chooses to discontinue such operations, or substantial part thereof, and/or to abandon, remove, or demolish any of the Concessioner's Improvements, if any, then the Secretary will take such action as may be necessary to assure the Concessioner of compensation (i) for [its] [his] possessory interest in Concessioner Improvements, if any, in the amount of their book value; (ii) the cost to the Concessioner of restoring any land to a natural condition, including removal and demolition, (less salvage) if required by the Secretary; and (iii) the cost of transporting to a reasonable market for sale such movable property of the Concessioner as may be made useless by such determination. Any such property that has not been removed by the concessioner within six months following such determination shall become the property of the United States without compensation therefor.

(d) *Termination for Convenience.* In the event of termination of this contract for convenience only, the Concessioner shall be compensated (in addition to the applicable compensation described in subsections (b) and (c) above) for such other costs as the Secretary, in his discretion, considers necessary to compensate the Concessioner for actual losses occasioned by such termination, including, but not limited to, reasonable severance pay to employees, penalties for early loan repayments, and reasonable overhead expenses required by such termination, but, not for lost profit or other anticipated gain from the operations authorized hereunder or anticipated sale or assignment of this contract or any of its benefits.

Sec. 13. *Assignment or Sale of Interests.* (a) (1) The Concessioner and/or any person

or entity which owns or controls an interest (as herein defined) in a Concessioner's ownership, (collectively defined as the "Concessioner" for the purposes of this section) shall not assign or otherwise sell or transfer this contract or the concession operations authorized hereunder, nor sell or otherwise assign or transfer (including, without limitation mergers, consolidations, reorganizations or other business combinations) an interest in such operations, this contract, or the Concessioner's ownership, without the prior written approval of the Secretary. Failure to comply with this provision or the procedures described herein shall constitute a material breach of this contract and the Secretary shall not recognize any right of any person or entity to own or operate the operations authorized hereunder or any improvements constructed pursuant hereto in violation of this provision.

(H) The Secretary may require, as a condition of such approval, the following procedures (or other appropriate procedures prescribed by the Secretary assuring public ability to acquire concession opportunities):

1. The Concessioner shall notify the Secretary of the proposed sale, assignment or other proposed transaction as described above (hereinafter referred to as the "proposed transaction"), together with full particulars sufficient to provide the general public reasonable notice and information concerning the availability of a concession opportunity.

2. The Secretary by public notice and/or advertising shall make the general public aware of a concession opportunity.

3. The Concessioner shall respond to all inquiries received concerning the proposed transaction, shall provide complete information on the proposed transaction, and shall negotiate in good faith with all interested parties.

4. Upon completion of such negotiations, the Concessioner shall provide the Secretary with the final terms and conditions of the proposed transaction, all documents entered into or proposed to be entered relating thereto, the names and qualifications of the party with which it intends to enter into the proposed transaction, a written record of all other parties which indicated interest in the proposed transaction, and a written record of negotiations with such other parties.

5. The Secretary shall evaluate such documents relating to the proposed transaction and shall approve or disapprove it, in his discretion. If he disapproves, he may require the Concessioner to permit any or all of the other interested parties to meet the final terms and conditions of the proposed transaction and the Secretary, in his discretion, shall select an interested party meeting such terms and conditions. The Concessioner shall enter into the proposed transaction with such party.

(Ii) The Secretary, in exercising the discretionary authority set forth herein, shall take into consideration the public benefit in approving or disapproving a proposed transaction, including the management qualifications of individuals or entities which would thereby become related to the operations authorized hereunder, the experience of such individuals or entities with similar operations in a national park environment, and the ability of such individuals or entities to operate the concession operations authorized hereunder in the public interest under the regulation of the Secretary.

(Iv) For purposes of this section, the term "interest" in a Concessioner's ownership shall mean, in the instance of a corporate concessioner, beneficial ownership of any of the outstanding voting securities or capital of the Concessioner, and, in the instance of a partnership, limited partnership, joint venture or individual entrepreneurship, any

beneficial ownership of the capital assets of the Concessioner.

(v) The procedures for public notice described above may not be required by the Secretary when he considers, in his discretion, that the proposed transaction will not result in a substantial change in control or ownership of the Concessioner, operations under this contract, or the Concessioner's assets.

(vi) In order to effectuate the requirements hereof, the Concessioner shall, in the case of a partnership or limited partnership, reference such requirements in the written instrument establishing such entity and in any written instrument evidencing beneficial ownership of an interest therein, so as to notify and obligate all parties which acquire such an interest of the requirements and restrictions hereof, and, in the case of a corporate concessioner, the articles of incorporation and by-laws shall set forth the requirements and restrictions hereof, and any stock or other instruments indicating ownership of a beneficial interest in the Concessioner shall conspicuously set forth the requirements and restrictions hereof. Such instruments shall be submitted to the Secretary prior to or at the execution hereof for approval together with an opinion of counsel stating that the instruments are consistent herewith and that the provisions are effective and lawful under applicable state and federal law to accomplish their purposes. Failure to provide such instruments and opinion of counsel shall constitute a material breach of this contract.

(b) The Concessioner may not enter into any agreement with any entity or person to exercise substantial management responsibilities for the operation authorized hereunder or any part thereof without written approval of the Secretary at least 60 days in advance of such transaction.

(c) No mortgage shall be executed, and no bonds, shares of stock, or other evidence of interest in, or indebtedness upon the assets of the Concessioner, including this contract or any possessory interest granted hereunder, in the area, shall be issued, except for the purposes of installing, enlarging, or improving plant and equipment, and extending facilities for the accommodation of the public in the area, and then only upon prior written approval from the Secretary at least 60 days in advance. In the event of default on such a mortgage or such other indebtedness, or of other assignment, transfer, or encumbrance, the creditor or any assignee thereof, shall succeed to the interest of the Concessioner in such assets, but shall not thereby acquire operating rights or privileges which shall be subject to the disposition of the Secretary.

Sec. 14. Approval of Subconcession Contracts. All contracts and agreements (other than those subject to approval pursuant to Section 13 hereof) proposed to be entered into by the Concessioner with respect to the exercise by others of the privileges granted by this contract shall be considered as sub-concession contracts and shall be submitted to the Secretary for his approval and shall be effective only if approved. In the event any such subconcession contract or agreement is approved the Concessioner shall pay to the Secretary within _____ days after the _____ day of _____ each year a sum equal to fifty percent (50%) of any and all fees, commissions, or compensation payable to the Concessioner thereunder, which shall be in addition to the franchise fee payable to the Secretary on the gross receipts of subconcessioners as provided for in Section 9 of this contract.

Sec. 15. Insurance and Indemnity. (a) The Concessioner will carry insurance against losses connected with the activities and operations authorized hereunder, and provide

the Secretary certificates of insurance as necessary to evidence compliance with this section, as follows:

(1) *Casualty Insurance for Concessioner Improvements and Equipment.* The Concessioner shall procure at its cost standard fire and extended coverage insurance from responsible companies on all Concessioner Improvements and equipment to their full insurable value, and, in the event of loss, shall use the proceeds of such insurance to repair, rebuild, restore or replace such Concessioner Improvements at the direction of the Secretary.

(2) *Casualty Insurance for Government Improvements.* The Concessioner shall procure at its cost standard fire and extended coverage insurance for Government Improvements assigned to it pursuant to this contract from responsible companies, which policies shall provide that proceeds in the event of loss shall be payable either to the Concessioner or the Secretary, at the Secretary's discretion, and, in the event that such proceeds are thereafter paid to the Concessioner, the Concessioner shall use such proceeds to repair, restore, rebuild or replace such Government Improvements, with any balance not needed for such purposes to be paid to the Secretary.

(3) *Liability Insurance.* The Concessioner shall procure public and employee liability insurance from responsible companies with a minimum limitation of \$50,000 per person for any one claim and an aggregate limit of \$250,000 for any number of claims arising from any one incident. The United States of America shall be named as an additional insured on all such policies. All such policies shall specify that the insurer shall have no right of subrogation against the United States for payments of any premiums or deductibles thereunder and such insurance policies shall be assumed by, be for the account of, and be at the Concessioner's sole risk.

(b) The Concessioner shall indemnify, save and hold harmless and defend the United States against all fines, claims, damages, losses, judgments and expenses arising out of or from any omission or activity in connection with activities under this contract.

Sec. 65. Procurement of Goods, Equipment, and Services. In computing net profits for any purpose of this contract, the Concessioner agrees that [its] [his] accounts will be kept in such a manner that there will be no diversion or concealment of profits in the operations authorized hereunder by means of arrangements for the procurement of equipment, merchandise, supplies, or services from sources controlled by or under common ownership with the Concessioner or by any other device.

Sec. 17. Disputes. (a) Except as otherwise provided in this contract, any dispute, or claim, concerning this contract which is not disposed of by agreement shall be decided by the Director, National Park Service, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Concessioner. The decision of the Director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Concessioner mails or otherwise furnishes to the Director a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Concessioner shall be afforded an opportu-

NOTICES

nity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute or claim hereunder, the Concessioner shall proceed diligently with the performance of the contract or as otherwise required in accordance with the Director's decision. Claims shall be considered hereunder only if a notice is filed in writing with the Director within 30 days after the Concessioner knew or should have known of the facts or circumstances giving rise to the claim.

(b) This "Disputes" clause does not preclude consideration of legal questions in connection with decisions provided for in paragraph (a) above; *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) The provisions of this clause shall not apply to any claim of a precontractual nature nor of a non-contractual nature such as tort claims, nor with respect to discretionary acts or refusals to act by the United States, nor any other discretionary relief or action, nor in relation to action or inaction by the United States in its sovereign capacity.

Sec. 18. *General Provisions.* (a) Reference in this contract to the "Secretary" shall mean the Secretary of the Interior, and the term shall include his duly authorized representatives.

(b) The Concessioner is not entitled to be awarded or to have sole negotiating rights to any National Park Service procurement or service contract by virtue of any provision of this contract.

(c) The Concessioner is not entitled pursuant hereto to undertake any activity which the Secretary considers to be part of a park interpretive or other program, whether or not the Secretary, by cooperative agreement or otherwise, authorizes third parties to assist in the conduct of such programs.

(d) That any and all taxes which may be lawfully imposed by any State or its political subdivisions upon the property or business of the Concessioner shall be paid promptly by the Concessioner.

(e) No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

(f) This contract may not be extended, renewed or amended in any respect except when agreed to in writing by the Secretary and the Concessioner.

In Witness Whereof, the parties hereto have hereunder subscribed their names and affixed their seals.

Dated at Washington, D.C., this _____ day of _____, 197__.

United States of
America

By _____
Director,
National Park Service

Corporations

Attest: _____
(Concessioner)

By _____
Title _____
Date _____

Sole proprietorship

Witnesses: _____
(Concessioner)

Name _____
Address _____ Date _____
Name _____
Address _____

Partnership

Witnesses as to each: _____
(Concessioner)
Name _____
(Name)
Address _____
(Name)
Name _____
Address _____ Date _____

EXHIBIT A

Government-Owned Structures Assigned to
(Concessioner)
pursuant to Concession Contract No. _____
Building number and description: _____ Annual fee _____
_____ Total _____ \$
Total amount due pursuant to subsection _____
Approved, effective _____
By: _____
(Concessioner) United States of America
By _____
Title _____
Director,
National Park Service

EXHIBIT C

Concession
Contract No. _____
Date _____

SECTION I: NONDISCRIMINATION

Requirements Relating to Employment and Service to the Public

A. Employment: During the performance of this contract, the Concessioner agrees as follows:

(1) The Concessioner will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Concessioner will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Concessioner agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Secretary setting forth the provisions of this nondiscrimination clause.

(2) The Concessioner will, in all solicitations or advertisements for employees placed by or on behalf of the Concessioner state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Concessioner will send to each labor union or representative of workers with which the Concessioner has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Secretary, advising the labor union or workers' representative of the Concessioner's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Concessioner will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Concessioner will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to the Concessioner's books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Concessioner's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Concessioner may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Concessioner will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Concessioner will take such action with respect to any subcontract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided*, however, That in the event the Concessioner becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Secretary, the Concessioner may request the United States to enter into such litigation to protect the interests of the United States.

B. Construction, Repair, and Similar Contracts: The preceding provisions A(1) through (7) governing performance of work under this contract, as set out in Section 202 of Executive Order No. 11246, dated September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, shall be applicable to this contract, and shall be included in all contracts executed by the Concessioner for the performance of construction, repair, and similar work contemplated by this contract, and for that purpose the term "contract" shall be deemed to refer to this instrument and to contracts awarded by the Concessioner and the term "Concessioner" shall be deemed to refer to the Concessioner and to contractors awarded contracts by the Concessioner.

C. Facilities: (1) Definitions: As used herein: (1) Concessioner shall mean the Concessioner and its employees, agents, lessees, sublessees, and contractors, and the successors in interest of the Concessioner; (2) facility shall mean any and all services, facilities, privileges, and accommodations, or activities available to the general public and permitted by this agreement.

(2) The Concessioner is prohibited from: (1) publicizing facilities operated hereunder

in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, color, religion, sex, or national origin; (ii) discriminating by segregation or other means against any person because of race, color, religion, sex, or national origin in furnishing or refusing to furnish such person the use of any such facility.

(3) The Concessioner shall post a notice in accordance with Federal regulations to inform the public of the provisions of this subsection, at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges. Such notice will be furnished the Concessioner by the Secretary.

(4) The Concessioner shall require provisions identical to those stated in subsection C herein to be incorporated in all of the Concessioner's contracts or other forms of agreement for use of land made in pursuance of this agreement.

SECTION II: EMPLOYMENT OF THE HANDICAPPED

The following clauses apply to all concession permits, contracts and subcontracts which exceed \$2,500 as follows:

1. Part A applies to concessions permits, contracts, and subcontracts which provide for performance in less than 90 days.

2. Parts A and B apply to those concession permits, contracts, and subcontracts which provide for performance in 90 days or more and wherein the amount of gross receipts is under \$500,000.

3. Parts A, B, and C apply to those concession permits, contracts, and subcontracts which provide for performance in 90 days or more and the amount of the annual gross receipts is \$500,000 or more.

Part A

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

2. The Concessioner agrees that, if a handicapped individual files a complaint with the Concessioner that he is not complying with the requirements of the Act, he will (1) investigate the complaint and take appropriate action consistent with the requirements of 20 CFR 741.29 and (2) maintain on file for three years, the record regarding the complaint and the actions taken.

3. The Concessioner agrees that, if a handicapped individual files a complaint with the Department of Labor that the Concessioner has not complied with the requirements of the Act, (1) he will cooperate with the Department in the investigation of the complaint, and (2) he will provide all pertinent information regarding his employment practices with respect to the handicapped.

4. The Concessioner agrees to comply with the rules and regulations of the Secretary of Labor in 20 CFR, Ch VI, Part 741.

5. In the event of the Concessioner's non-compliance with the requirements of this clause, the contract may be terminated or suspended in whole or in part.

6. This clause shall be included in all contracts under which the estimated gross receipts are over \$2,500.

Part B

1. The Concessioner agrees (1) to establish an affirmative action program, including appropriate procedures consistent with the guidelines and the rules of the Secretary of Labor, which will provide the affirmative action regarding the employment and advancement of the handicapped required by P.L. 93-112, (2) to publish the program in his employee's or personnel handbook or otherwise distribute a copy to all personnel, (3) to review his program on or before March 31 of each year and to make such changes as may be appropriate, and (4) to designate one of his principal officials to be responsible for the establishment and operation of the program.

2. The Concessioner agrees to permit the examination by the Secretary of the Interior or his designee and/or the Assistant Secretary for Employment Standards, U.S. Department of Labor, or his designee, of pertinent books, documents, papers and records concerning his employment and advancement of the handicapped.

3. The Concessioner agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Assistant Secretary for Employment Standards, U.S. Department of Labor, provided by the Secretary stating the Concessioner's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment and the rights and remedies available.

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

Part C

1. The Concessioner agrees to submit a copy of his affirmative action program to the Secretary of the Interior and the Assistant Secretary for Employment Standards, U.S. Department of Labor, within 90 days after the award to him of a concession contract or subcontract.

2. The Concessioner agrees to submit a summary report to the Assistant Secretary for Employment Standards, U.S. Department of Labor, by March 31 of each year during performance of the contract, and by March 31 of the year following completion of the contract, in the form prescribed by said Assistant Secretary, covering employment and complaint experience, accommodations made and all steps taken to effectuate and carry out the commitments set forth in the affirmative action program.

[FR Doc. 76-20132 Filed 7-12-76; 8:45 am]

CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 9 a.m., e.d.t., on July 29, 1976, at the Islander Beach Lodge, 1601 South Atlantic Avenue, New Smyrna Beach, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the

Interior on all matters of planning, development, and operation of the Canaveral National Seashore.

The members of the Advisory Commission are as follows:

Mr. Ney C. Landrum (Chairman)
Mr. Robert H. Hudson
Ms. Doris Leeper
Mr. Thomas K. Wetherell

The matters to be discussed at this meeting include: (1) organization of the Commission, (2) State land transfer, and (3) status of planning for Canaveral National Seashore.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. 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 Donald Guion, Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780, Telephone 305-867-4675. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at Park Headquarters.

Dated: July 2, 1976.

DAVID D. THOMPSON, Jr.,
Regional Director,
Southeast Region.

[FR Doc. 76-20182 Filed 7-12-76; 8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Notice is hereby given that the list of Pending Nominations to be published on July 13, 1976, was published on Friday, July 9, 1976 (41 FR 28331-2).

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc. 76-20235 Filed 7-12-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PALOMAR MOUNTAIN UNIT, CLEVELAND NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the Land Use Plan Palomar Mountain Unit, Cleveland National Forest, California, USDA FS-R5-FES(Adm)-75-8.

The environmental statement concerns a land use plan for the 58,171 acres of National Forest lands known as the Palomar Mountain Planning Unit of the Cleveland National Forest in San Diego and Riverside Counties, California.

The tentatively selected plan recommends that the Palomar Mountain Unit be divided into six management units and managed as follows: *Management unit A*, 15,934 acres which includes the entire Agua Tibia Wilderness which will be managed according to the Wilderness Management Plan. *Management unit B*, 28,471 acres will be managed to retain those areas of unroaded and undeveloped status, maintain existing low standard roads for administrative purposes, emphasize the near primitive experience, and allow hunting, vegetation modification, mining, prospecting, and grazing.

Management unit C, 2,362 acres, will be managed to provide the higher degree of concentrated uses, such as those recreation experiences now available in developed sites, hunting, mining and prospecting, grazing, vegetative modification for health, safety, and improved recreation experiences. *Management unit D*, 5,504 acres will be managed to maintain the open space and those areas of land exposed to major routes of public travel. Within this unit no overnight camping or new roads will be allowed; hunting, limited trail construction, mining and prospecting, and vegetative management activities will be permitted with emphasis upon the visual impact of any activity considered for implementation. *Management unit E*, 1,400 acres, representing the fuel modification work completed on Aguanga Ridge will be managed to provide year-round vehicular access types of dispersed recreation experiences by permit; vegetative management to maintain the effectiveness of the fuelbreaks; mining; grazing; hunting; and provisions for closing the unit to public use at any time for health and safety of the public and to protect the area from erosion damage. *Management unit K*, 4,500 acres of vegetation that has been identified as possibly being of unique value to research, will be managed to retain its present state with provisions for trail access only and initiation of scientific study to determine the relative values present.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on July 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th Street & Independence Avenue, SW, Washington, DC 20250.
Regional Forester, US Forest Service, 630 Sansome Street, Room 529, San Francisco, CA 94111.

Forest Supervisor's Office, Cleveland National Forest, 3211 Fifth Avenue, San Diego, CA 92103.

Forest Service, District Ranger, 732 North Broadway, Escondido, CA 92025.

A limited number of single copies are available, upon request, from Forest Supervisor Frederik G. deHoll, Cleveland National Forest, 3211 Fifth Avenue, San Diego, CA 92103.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments concerning the tentatively selected plan, and requests for additional

information should be addressed to Forest Supervisor Frederik G. deHoll, Cleveland National Forest, 3211 Fifth Avenue, San Diego, CA 92103.

Dated: July 2, 1976.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.76-20155 Filed 7-12-76;8:45 am]

**Rural Electrification Administration
BASIN ELECTRIC POWER COOPERATIVE
Draft Environmental Impact Statement**

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration for Basin Electric Power Cooperative of Bismarck, North Dakota. This loan guarantee commitment will assist in obtaining financing for the purchase of two 60 MW combustion turbines to be installed near Vermillion, South Dakota.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before September 13, 1976 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 2d day of July 1976.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.76-19980 Filed 7-12-76;8:45 am]

**Office of the Secretary
NATIONAL ADVISORY COUNCIL ON
CHILD NUTRITION**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on August 2-3, 1976, from 9 a.m. to 4:45 p.m. the first day and 9 a.m. to 2:30 p.m. the second day. The meeting will be held in the Niihau Room of the Sheraton-Waikiki Hotel, 2259 Kalakaua Avenue, Honolulu, Hawaii. The meeting will include a review of alternative lunch patterns and revised meal patterns, the administration of nonpublic schools and institutions, State staffing study and Summer Food Service Program operations. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202-447-6603.

Dated: July 6, 1976.

RICHARD L. FELTNER,
Assistant Secretary and Chairman,
National Advisory Council
on Child Nutrition.

[FR Doc.76-20199 Filed 7-12-76;8:45 am]

DEPARTMENT OF COMMERCE

**Domestic and International Business
Administration**

NATIONAL INDUSTRIAL ENERGY COUNCIL

Re-Scheduling of Public Meeting

A meeting of the Sub-Council on Industry Programs of the National Industrial Energy Council originally scheduled for July 14, 1976 has been re-scheduled for Wednesday, September 8, 1976. The meeting will be held in Conference Room 4830, Main Commerce Building, 14th & Constitution Ave., N.W., Washington, D.C. 20230 from 10:30 AM-12:00 Noon.

The Sub-Council will meet to discuss the progress of the objectives of the Sub-Council and to prepare a report to be submitted at the next full council meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Interested persons are also invited to file written statements with the Sub-Council before or after the meeting.

Persons who wish more information about the meeting should contact Ms. Kay Courtney, Office of Energy Programs, Room 2211, U.S. Department of Commerce, 14th & Constitution Ave., N.W. Washington, D.C. 20230 Tele: (202) 377-3535.

Dated: June 30, 1976.

JAMES V. SHIRCLIFF,
Executive Director, National
Industrial Energy Council.

[FR Doc.76-20156 Filed 7-12-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING
STANDARDS TASK GROUP 13 WORK-
LOAD DEFINITION AND BENCHMARK-
ING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, August 18, 1976 in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review FIPS TG-13 accomplishments to date and to define future FIPS TG-13 task activities.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone—301-921-3485).

Dated: July 7, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-20117 Filed 7-12-76;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON
ENVIRONMENTAL EDUCATION

Meeting; Amendment

In FR Doc.76-18397 appearing at page 25922 in the FEDERAL REGISTER of June 23, 1976, the first paragraph is amended to include a meeting of the Proposal Evaluation Criteria work group to be held on July 20-21, 1976 from 9:00 a.m. to 5:30 p.m. in Room 2004, 400 Maryland Avenue, S.W., Washington, D.C. for the purpose of preparing a draft report on their findings.

Dated: July 9, 1976.

WALTER J. BOGAN, Jr.,
Director, Office of
Environmental Education.

[FR Doc.76-20385 Filed 7-12-76;10:11 am]

Food and Drug Administration

ADVISORY COMMITTEE FOR MEDICAL DE-
VICES CURRENT GOOD MANUFACTUR-
ING PRACTICE REGULATIONS

Request for Nominations for Members

The Food and Drug Administration (FDA) describes the current status of current good manufacturing practice regulations and invites the submission of nominations for membership to the Advisory Committee for Current Good Manufacturing Practice Regulations in accordance with the requirements of section 520(f) of the Federal Food,

Drug and Cosmetic Act (21 U.S.C. 360j); submissions by September 13, 1976.

Since December 1973, FDA has been involved in the development of current good manufacturing practice regulations for medical devices. A preliminary draft of a proposed current good manufacturing practice regulation was made available to the public by notice of availability published in the FEDERAL REGISTER of August 8, 1975 (40 FR 33482). A subsequent notice published in the FEDERAL REGISTER of October 9, 1975 (40 FR 47530) announced four public meetings that were held across the country to give interested parties the opportunity to present data, information, and views concerning the draft current good manufacturing practice regulations. These meetings were held in November 1975 in cooperation with various district offices of FDA. Based upon the information derived from these meetings and numerous comments on the draft document, significant alterations have been made to the original draft.

On May 28, 1976, the Medical Device Amendments of 1976 (Pub. L. 94-295) were enacted into law, amending the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.). Section 520(f) of the act provides the agency with authority to develop and promulgate regulations requiring that methods used in, and the facilities and controls used for the manufacture, packing, storage, and installation of medical devices conform to current good manufacturing practice. These regulations are designed to assure that devices will be safe and effective and otherwise in compliance with the act.

Under section 520(f) (3) of the act, the Commissioner of Food and Drugs must establish an advisory committee for the purpose of advising and making recommendations on these regulations. Additionally, under this provision, the Commissioner is authorized to request recommendations from the advisory committee on any petitions submitted requesting exemptions or variances from good manufacturing practice requirements.

In the near future, the agency intends to publish in the FEDERAL REGISTER a proposed good manufacturing practice regulation for medical devices. The current good manufacturing practice advisory committee, when appointed, will review and comment on the proposed current good manufacturing practice regulations as well as on the comments received as a result of the proposal.

As required by section 520(f) of the act the advisory committee shall be composed of nine members selected from different interest groups as follows:

1. Three of the members shall be appointed from persons who are officers or employees of any State or local government or of the Federal Government;
2. Two of the members shall be appointed from persons who are representative of interests of the device manufacturing industry;
3. Two of the members shall be appointed from persons who are representative of the interests of physicians and other health professionals;

4. Two of the members shall be representative of the interests of the general public.

To be considered for appointment to this advisory committee, each nomination must be received on or before September 13, 1976 and must be accompanied by a curriculum vitae that includes the nominee's current employment, professional affiliations, and educational and experience background, if any, with respect to medical devices. Additionally, each nomination must affirmatively state that the nominee is aware of the nomination, is interested in participating in the mission of the current good manufacturing practice advisory committee, and indicate any areas of possible conflict of interest.

Nominations are solicited from consumer, industry, government, health professional organizations, and the public. It is recommended that representatives from each interest group develop a list of nominees acceptable to the constituent organizations making up a particular interest group. The Commissioner will appoint as members those nominees who are most representative of an interest group to serve on the advisory committee.

Interested persons are invited to submit names of nominees and accompanying information to:

Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Division of Compliance (HFK-123), 8757 Georgia Ave., Silver Spring, MD 20910.

Dated: July 6, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-20134 Filed 7-12-76;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

Correction

In FR Doc. 76-17818 appearing in the issue of Friday, June 18, 1976, on page 24750, the fourth line in the second column should read "vice; hyperthermia device; mechanical cardiac resuscitator;".

Public Health Service
TEXASIntention to Redesignate Professional
Standards Review Areas

Notice is hereby given that, pursuant to the order of the United States District Court in the case of *Texas Medical Association et al v. Weinberger* (U.S.D.C., W.D. of Texas, No. A-74-CA-102, January 9, 1976), and in the light of the withdrawal of the Government's appeal from that order, the Department of Health, Education, and Welfare (the Department) will undertake appropriate procedures to redesignate Professional Standards Review Organization (PSRO) areas in the State of Texas in accord with section 1152(a) of the Social Security Act (42 U.S.C. 1320(1) and 42 CFR 101.1 et seq.

The District Court Order set aside the nine PSRO areas designated in Texas under the Department's regulations (42 CFR 101.48) and remanded the case to the Secretary to perform his statutory function of designating appropriate PSRO areas in Texas, without "inhibiting external influences" from Congress. The United States filed a Notice of Appeal in this case to the United States Court of Appeals for the Fifth Circuit on March 9, 1976. After further consideration of the need to expedite the establishment of the Professional Standards Review program in Texas and, in light of the considerable delay that the completion of the appeal process would entail, the Secretary of Health, Education, and Welfare requested the Department of Justice not to pursue the Appeal and to withdraw the Notice of Appeal. The Department of Justice has agreed with this recommendation and has taken appropriate action to withdraw the appeal.

I.

The Department's decision should not be read as indicating approval of or agreement with either the factual or legal conclusions of the District Court. The Department continues to believe that the District Court's legal conclusion was clearly erroneous in ignoring the existing administrative record which contained the basis for the Secretary's decision (*Camp v. Pitts*, 411 U.S. 138, (1973)). Moreover, it is our view that the District Court's conclusion that "agency action is invalid if based, even in part, on pressures emanating from Congressional sources" is incorrect since Congressional input is entirely appropriate in the quasi-legislative function of rulemaking (see *Angel v. Butz*, 487 U.S. 967). Finally, the District Court's opinion fails to recognize the appropriate role of Congress in overseeing the "application, administration, and execution" of laws (2 U.S.C. 190(d)) and further fails to follow the single case which it cited as precedent, *D.C. Federation of Citizens v. Volpe*, 459 F. 2d 1231 (D.C. Cir. 1971). In that case the court plainly focused on irrelevant Congressional pressure as being an undue influence on administrative action (459 F. 2d at 1248), which is clearly distinguished from the Congressional attempts in this case to call attention to the legislative history of the statute involved, which the Courts have always considered highly relevant to the process of statutory construction.

The factual conclusion of the District Court that the Secretary and HEW Administrators were, in fact, influenced by the "financial leverage" of the Congressional sources of the alleged "pressure" is plainly wrong, since the "source" obviously had no power to control the appropriation of funds to HEW. The Department's decision to require local areas in Texas was based on the Department's guidelines for designation of areas, as published in regulations (42 CFR 101.2). This was demonstrated by the adherence of the Department to the guidelines in the designation of areas, not only in

Texas, but in other States, as discussed in the preamble to the regulations (39 FR 10206, 3/18/74).

II.

The specific procedures which the Department will follow in redesignating PSRO areas in Texas pursuant to the judgment of the court will be set out in a notice to be published in the FEDERAL REGISTER in the near future. These procedures will enable the Secretary to take into consideration the criteria established under 42 CFR 101.2 and to comply with the District Court's suggestion that HEW develop and preserve a "full-scale administrative record to remove any doubts about the true basis of its forthcoming action."

The Department also plans to conduct an informal secret ballot poll of all doctors of medicine or osteopathy engaged in active practice in Texas to ascertain whether they favor the designation of Texas PSRO areas on a local or statewide basis. Physicians engaged in active practice in Texas will be advised further by the Department of the detailed procedures for the conduct of this poll. This poll will be purely advisory to the Secretary in connection with the process of redesignating areas and will not constitute the poll required under section 1152(g) of the Social Security Act (section 105 of Pub. L. 94-182).

Dated: July 8, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc. 76-20178 Filed 7-12-76; 8:45 am]

Social Security Administration REDELEGATIONS OF AUTHORITY

Various Certifications and To Cause the Department Seal To Be Affixed or Impressed

The Assistant Secretary for Administration and Management of the Department of Health, Education, and Welfare had redelegated to the Commissioner of Social Security (the Commissioner), with authority to further redelegate, authority to certify true copies of any books, records, papers or other documents on file within the Social Security Administration (SSA); to certify extracts from such

material; to certify that true copies are true copies of the entire file; to certify the complete original record; to certify the nonexistence of records on file; and authority to cause the HEW Seal to be affixed to such certifications (34 FR 18049-50, dated November 7, 1969). The Commissioner was also authorized at such time to cause the HEW Seal to be affixed or impressed to agreements, awards, citations, diplomas, and similar documents. The redelegation by the Assistant Secretary of certification authorities did not rescind previous further redelegations of authority made by the Commissioner. The Commissioner previously further redelegated these authorities (except authority to certify that true copies are true copies of the entire file, and authority to certify the complete original record) to appropriate SSA positions, as set forth in 33 FR 2613-14, dated February 6, 1968; and 34 FR 13046-47, dated August 12, 1969. Subsequent to the Assistant Secretary's redelegation of November 7, 1969, the Commissioner made additional further redelegations to SSA positions, as set forth in 37 FR 10602-3, dated May 25, 1972; 38 FR 21681, dated August 10, 1973; and 40 FR 25616, dated June 17, 1975. These further redelegations did not include authority to certify the complete original record.

I. Notice is hereby given that the Commissioner has rescinded all prior further redelegations of the subject authorities to SSA positions.

II. Notice is also hereby given that the Commissioner has concurrently further redelegated the following authorities to the SSA positions specified below:

1. Authority to certify true copies of any books, records, papers or other documents on file;
2. Authority to certify extracts from material on file;
3. Authority to certify that true copies are true copies of the entire record on file;
4. Authority to certify the complete original record on file;
5. Authority to certify that particular records are not on file; and
6. Authority to cause the HEW Seal to be affixed or impressed to those certifications identified above.

Delegates	Scope of authority
1. Deputy Commissioner	1 and 2. SSA-wide.
2. Associate Commissioner for Management and Administration, and Deputy Associate Commissioner for Management and Administration.	
3. Associate commissioners and deputy associate commissioners; Director, Bureau of Health Insurance; Director and Deputy Director, Bureau of Hearings and Appeals; and the Director, Office of Advanced Systems.	3. Office or Bureauwide.
4. Those headquarters component head positions and deputy component head positions at the 1st organization level below the positions specified in items 2 and 3 above.	4. Componentwide.
5. Regional commissioners and deputy regional commissioners, Office of Program Operations.	5. Cases within the jurisdiction of regional components of the Office of Program Operations.

*Delegates**Scope of authority*

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| <p>6. Assistant Bureau Director, Operations, and Deputy Assistant Bureau Director, Operations, Bureau of Data Processing, Office of Program Operations.</p> <p>7. Director and Deputy Director, Division of Adjustment Operations; Director and Deputy Director, Division of Claims Operations; Director and Deputy Director, Division of Registration Operations; Director and Deputy Director, Division of Earnings Operations; and Director and Deputy Director, Division of Health Insurance Operations; Bureau of Data Processing, Office of Program Operations.</p> <p>8. Assistant Bureau Director, Disability Operations, and Deputy Assistant Bureau Director, Disability Operations, Bureau of Disability Insurance, Office of Program Operations.</p> <p>9. Assistant Bureau Director, Systems and Methods, and Deputy Assistant Bureau Director, Systems and Methods, Bureau of Retirement and Survivors Insurance, Office of Program Operations.</p> <p>10. Assistant Bureau Director, Technical Policy, and Deputy Assistant Bureau Director, Technical Policy, Bureau of Health Insurance.</p> <p>11. Chief, Civil Actions Branch, Division of Appeals Operations, Bureau of Hearings and Appeals.</p> <p>12. Regional representatives and deputy regional representatives, Health Insurance.</p> <p>13. Regional chief administrative law judges, Bureau of Hearings and Appeals.</p> <p>14. Directors, SSA program service centers, Bureau of Retirement and Survivors Insurance, Office of Program Operations.</p> <p>15. Program review officers, Office of Quality Assurance, Office of Management and Administration.</p> <p>16. Directors and deputy directors, data operations centers, Bureau of Data Processing, Office of Program Operations.</p> | <p>6. Cases within the jurisdiction of components reporting to the Assistant Bureau Director, Operations, Bureau of Data Processing, Office of Program Operations.</p> <p>7. Divisionwide.</p> <p>8. Cases within the jurisdiction of components reporting to the Assistant Bureau Director, Disability Operations, Bureau of Disability Insurance, Office of Program Operations.</p> <p>9. Cases within the jurisdiction of components reporting to the Assistant Bureau Director, Systems and Methods, Bureau of Retirement and Survivors Insurance, Office of Program Operations.</p> <p>10. Cases within the jurisdiction of components reporting to the Assistant Bureau Director, Technical Policy, Bureau of Health Insurance.</p> <p>11. Cases within the jurisdiction of the Civil Actions Branch, Division of Appeals Operations, Bureau of Hearings and Appeals.</p> <p>12. Cases within the jurisdiction of regional offices of the Bureau of Health Insurance.</p> <p>13. Cases within the jurisdiction of regional offices of the Bureau of Hearings and Appeals.</p> <p>14. Cases within the jurisdiction of SSA program service centers, Bureau of Retirement and Survivors Insurance, Office of Program Operations.</p> <p>15. Cases within the jurisdiction of program review offices, Office of Management and Administration.</p> <p>16. Cases within the jurisdiction of data operations centers, Bureau of Data Processing, Office of Program Operations.</p> |
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III. Notice is also hereby given that the Commissioner has rescinded all previous further redelegations to SSA positions of authority to cause the HEW Seal to be affixed or impressed to agreements; awards; citations; diplomas; or similar documents, and concurrently further redelegated such authority to the SSA positions specified below:

*Delegates**Scope of authority*

- | | |
|---|---|
| <p>1. Deputy Commissioner.....</p> <p>2. Associate Commissioner for Management and Administration, and Deputy Associate Commissioner for Management and Administration.</p> <p>3. Associate Commissioners and deputy associate commissioners; Director, Bureau of Health Insurance; Director and Deputy Director, Bureau of Hearings and Appeals; and the Director, Office of Advanced Systems.</p> <p>4. Those headquarters component head positions and deputy component head positions at the first organizational level below the positions specified in items 2 and 3 above.</p> <p>5. Regional commissioners and deputy regional commissioners, Office of Program Operations.</p> <p>6. Regional representatives and deputy regional representatives, Health Insurance.</p> | <p>1 and 2. SSA-wide.</p> <p>3. Office or Bureauwide.</p> <p>4. Componentwide.</p> <p>5. Cases within the jurisdiction of regional components of the Office of Program Operations.</p> <p>6. Cases within the jurisdiction of regional offices of the Bureau of Health Insurance.</p> |
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Delegates

7. Regional chief administrative law judges, Bureau of Hearings and Appeals.
8. Directors, SSA program service centers, Bureau of Retirement and Survivors Insurance, Office of Program Operations.
9. Program review officers, Office of Quality Assurance, Office of Management and Administration.
10. Directors and deputy directors, data operations centers, Bureau of Data Processing, Office of Program Operations.

Scope of authority

7. Cases within the jurisdiction of regional offices of the Bureau of Hearings and Appeals.
8. Cases within the jurisdiction of SSA program service centers, Bureau of Retirement and Survivors Insurance, Office of Program Operations.
9. Cases within the jurisdiction of program review offices, Office of Management and Administration.
10. Cases within the jurisdiction of data operations centers, Bureau of Data Processing, Office of Program Operations.

IV. Any actions heretofore taken by the incumbents of the positions specified in sections II and III above which, in effect, involve the exercise of authority further redelegated by this document, are hereby affirmed and ratified.

V. The rescissions and further redelegations specified in sections I through III above are effective July 13, 1976. The incumbents of those positions further redelegated the subject authorities may not themselves redelegate such authorities.

Dated: July 6, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc. 76-20131 Filed 7-12-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-76-564]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Establishment

The National Mobile Home Construction and Safety Act of 1974 (Title VI of the Housing and Community Development Act of 1974) authorizes the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for mobile homes. It provides for the appointment by the Secretary of a National Mobile Home Advisory Council composed of 24 members. One-third of the membership of the Council is to be selected from each of the following categories: (a) consumer organizations, community organizations, and recognized consumer leaders; (b) the mobile home industry and related groups including at least one representative of small business; and (c) government agencies including Federal, State and local governments. The National Mobile Home Advisory Council provides advice to the Secretary on the development of initial Federal Mobile Home Construction and Safety Standards and on changes in those standards.

Section 6(c) of the National Mobile Home Advisory Council Charter stipulates that of the initially appointed members, one-half shall be appointed for one year, and one-half for two years. The one and two year terms were evenly distributed among the three basic groups which make up the Council, so that four members of each group have one year terms and four members of each group have two year terms. The one year terms expired on April 30, 1976, and the initial two year terms expire on December 31, 1976. All future terms are for two years and expire on December 31 of the second year of the term.

Additionally, at this time, as a result of the resignation of two members and the deaths of two others, there are four vacancies on the Council. These four terms expire on December 31, 1976. The vacancies were for: one consumer representative, one industry representative and two government representatives. Appointments for the four vacant terms were made from those persons nominated in 1975.

Nominations for the 12 expiring terms were requested at 41 FR 3500 on January 23, 1976. In response to that request, 36 persons were nominated. Their qualifications as well as those persons previously nominated in 1975 and persons on the Council not serving until December 31, 1976, were evaluated and appointments made from that group.

In making its selections, the Department, in general, sought to achieve geographic balance in the Council and to weigh that balance according to the size of the mobile home industry and the number of mobile homes in use in each region of the country, and participation by persons who would present it with a broad spectrum of views.

Additionally, the Department decided that: due to the wide interest in the Federal mobile home standards program and the need to get the broadest input possible, no person would be permitted to serve consecutive terms; that for the same reasons persons associated with the financial or insurance communities who had no other interest in the program would not be appointed at this time. It was also decided that, since the Federal mobile home standards and enforcement programs contemplate participation to a substantial extent by the states, and since inter-governmental participation may be achieved by other means, representatives of Federal agencies would not be appointed to the Council.

Pursuant to the requirements of section 605 of Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383) and the Federal Advisory

Committee Act of 1972 (P.L. 92-463), I, Constance B. Newman, am appointing the following persons to serve terms on the National Mobile Home Advisory Council:

To complete terms expiring December 31, 1976.

GOVERNMENT OFFICIALS

William E. Dell, Assistant to the Director, Department of Labor and Industries, Seattle, Washington.

Marion B. Robinson, Director, Division of Inspection Services, Columbia, South Carolina.

COMMUNITY AND CONSUMER REPRESENTATIVES

Herbert F. Hugo, President, Golden State Mobilhome Owners League, Garden Grove, California.

INDUSTRY

Bill Novak, President, Gallatin Homes Corporation, Belgrade, Montana.

To replace members whose terms expired April 30, 1976, and who will serve terms expiring December 31, 1977:

GOVERNMENT OFFICIALS

C. Sutton Mullen, Administrator, Industrialized Building Law, State Corporation Commission, Richmond, Virginia.

Kenneth E. Meiser, Public Advocate, Division of Public Interest Advocacy, Department of Public Advocate, Trenton, New Jersey.

Richard Bullock, Chief, Mobile Home Section, Department of Labor and Human Relations, Madison, Wisconsin.

Fred H. Jolly, Director, Division of Environmental Health Services, State Department of Health, Lincoln, Nebraska.

COMMUNITY AND CONSUMER REPRESENTATIVES

Margery Moore, Manpower Counselor, Orleans County Council of Social Agencies (OCCSA), Newport, Vermont.

William R. Palmer, Editor, Mobile Homeowner's Association of N.J., Inc., Newspaper, Birmingham, New Jersey.

Robert Myers, President, Michigan Mobile Home Owner's Association, Ypsilanti, Michigan.

Jane Conrad, American Mobile Home Association, Lakewood, Colorado.

INDUSTRY REPRESENTATIVES

Phillip J. Braff, President, Braff Building Company, Madison, Ohio.

William Stewart, California Mobilehome Dealers Association, Sacramento, California.

Charles T. Ashford, Vice President, Corp. Purchasing and Engineering, Redman Industries, Dallas, Texas.

Daniel Siegel, President and Chairman of the Board, Siegel Mobile Home Group, Siegel Financial Services, Salt Lake City, Utah.

The following members were previously appointed and will continue to serve until December 31, 1976:

John L. Adams, President, Florida Coalition of Mobile Home Owners, Tampa, Florida.

Peter B. Maler, Director, Mobile Home Task Force, Center for Auto Safety, Washington, D.C.

Charles H. Mann, President, Federation of Mobile Home Owners, St. Petersburg, Florida.

Donald A. Barrow, Vice President, Skyline Corporation, Elkhart, Indiana.

James Printy, Director of Engineering, Coleman Company, Inc., Wichita, Kansas.
 Daniel P. Riedel, Executive Vice President, Vindale Corporation, Dayton, Ohio.
 Lee Melancon, Executive Administrator, Mobile Home Division, State Fire Marshal's Office, Baton Rouge, Louisiana.
 Betty Niven, Chairperson, Oregon State Housing Council, Eugene Building Board, Eugene, Oregon.

(Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., July 6, 1976.

CONSTANCE B. NEWMAN,
 Assistant Secretary for Consumer
 Affairs and Regulatory Functions.

[FR Doc.76-20141 Filed 7-12-76;8:45 am]

Assistant Secretary for Community
 Planning and Development

[Docket No. D-76-445]

REGIONAL ADMINISTRATOR, REGION
 IX (SAN FRANCISCO)

Revocation of Redelegation of Authority

On August 27, 1975, the Regional Administrator, Region IX, published in the FEDERAL REGISTER (40 FR 38184), a re-delegation of authority which authorized the San Francisco Regional Office to administer the Community Development Block Grant program for grant recipients within Hawaii, Guam, American Samoa and the Trust Territories of the Pacific Islands.

The Secretary of Housing and Urban Development has determined that the Honolulu, Hawaii, Insuring Office will become an Area Office effective July 1, 1976. As a result, the Honolulu Office will administer the Community Development Block Grant program for Hawaii, Guam, American Samoa and the Trust Territories of the Pacific Islands pursuant to Sec. A.3. of the redelegation of authority from the Assistant Secretary for Community Planning and Development to Area Office Directors and Deputy Area Office Directors published on February 5, 1975 (40 FR 5386).

Accordingly, the redelegation of authority by the Regional Administrator, Region IX, with respect to the Community Development Block Grant program published at 40 FR 38184 on August 27, 1975, is revoked.

AUTHORITY: 40 FR 5386, February 5, 1975.

Effective date: This notice and revocation shall be effective on June 30, 1976.

Dated: May 26, 1976.

ROBERT H. BAIDA,
 Regional Administrator,
 Region IX, San Francisco.

Approved: June 30, 1976.

WARREN H. BUTLER,
 Deputy Assistant Secretary for
 Community Planning and Development.

[FR Doc.76-20142 Filed 7-12-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-562]

CLOUD COUNTRY WEST, UNIT 1, 76-102-
 IS, OILSR NO. 0-4328-36-186, UNIT 2,
 76-103-IS, OILSR NO. 0-4439-36-189

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that: 1. Cloud Country West, Units 1 and 2, Cloud 9, Ltd., and Ira Rupp, Jr., Authorized Agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 26, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Cloud Country West, Units 1 and 2 located in Otero County, New Mexico, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 10, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on August 3, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 13, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 21, 1976.

JAMES W. MAST,
 Administrative Law Judge.

[FR Doc.76-20143 Filed 7-12-76;8:45 am]

[Docket No. N-76-566]

VIRMILLION ESTATES AMENDED, 76-
 115-IS, TONY NEPPL, PRESIDENT; AND
 VIRMILLION ENTERPRISES, INC., OILSR
 NO. 0-3732-09-940

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that: 1. Virmillion Estates Amended, Tony Neppel, President; and Virmillion Enterprises, Inc., authorized agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued May 5, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Virmillion Enterprises, Inc. and Amended Plat of Virmillion Estates located in Marion County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 25, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on August 10, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 21, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 9, 1976.

JAMES W. MAST,
 Administrative Law Judge.

[FR Doc.76-20144 Filed 7-12-76;8:45 am]

[Docket No. N-76-563]

**MOUNTAIN RUN, WILLIAM MACWILLIAMS,
PRESIDENT; AND MOUNTAIN RUN,
INC., 76-122-4S, OILSR NO. 0-1351-
54-58**

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that: 1. Mountain Run, William MacWilliams, President; and Mountain Run, Inc., authorized agents and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued May 14, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Mountain Run, Inc. and Mountain Run Subdivision located in Shenandoah County, Virginia, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 3, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on August 11, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 22, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 9, 1976.

**JAMES W. MAST,
Administrative Law Judge.**

[FR Doc.76-20145 Filed 7-12-76;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD-346; FDAA-513-DR]

PENNSYLVANIA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on July 7, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Pennsylvania resulting from high winds and flash flooding beginning about June 15, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Pennsylvania.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, Regional Director of the Federal Disaster Assistance Administration, Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Pennsylvania to have been adversely affected by this declared major disaster:

The County of: Tioga.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: July 7, 1976.

**THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.**

[FR Doc.76-20180 Filed 7-12-76;8:45 am]

**ADVISORY COUNCIL ON HISTORIC
PRESERVATION**

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on July 29, 1976, at 7:30 p.m., a public information meeting will be held at the Council Chambers, City Hall, Lewiston, Idaho. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citi-

zens to receive information and express their views on a proposed project of the City of Lewiston as it affects the Lewiston Historic District, a property included in the National Register of Historic Places, and the Scully, Fix and Moxley Houses, properties determined eligible for inclusion in the National Register by the Secretary of the Interior. The project is the Lewiston Historic District Improvement Project No. 33-8, to be funded under the Community Development Block Grant Program of the Department of Housing and Urban Development.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the properties by the City of Lewiston.

III. A statement by the Idaho Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225 (303-234-4946).

**ROBERT R. GARVEY, JR.,
Executive Director.**

[FR Doc.76-20146 Filed 7-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29277; Order 76-7-21]

**ALOHA AIRLINES, INC. AND
HAWAIIAN AIRLINES, INC.**

Application Requesting Authority To Discuss Commissions and Other Arrangements With Foreign Travel Agents

Adopted by the Civil Aeronautics Board as its office in Washington, D.C. on the 7th day of July, 1976.

Order deferring action and requesting comments:

Aloha Airlines and Hawaiian Airlines have requested authority to discuss with each other possible agreements aimed at bringing uniformity to their compensation of, and other arrangements with, foreign travel agents and tour operators. In support of this request, the applicants aver that as members of the Air Traffic Conference of America their dealings with domestic travel agents are governed by the rules of that organization but that there is no similar rationalization of their relationships with foreign travel

agents since neither carrier is a member of the International Air Transport Association.

No responses to the request of Aloha and Hawaiian have been received.

Upon consideration of the above, the Board has decided to defer action on this matter and request comments from Aloha, Hawaiian, and other interested parties concerning the applicants' request.

We believe that more information is required concerning the nature and implications of the discussion authority sought. The applicants should therefore more fully indicate the various circumstances which prompted them to request this authority, what specific items of discussion are contemplated, and why a grant of such authority would be in the public interest. The Board will also welcome relevant comments from other interested persons.

Accordingly, it is ordered that: 1. Action in docket 29277 be and it hereby is deferred;

2. Aloha, Hawaiian, and all other interested persons are hereby given 21 days to submit comments concerning the request set forth in docket 29277; and

3. This order shall be served on Aloha, Hawaiian, and all other certificated route and supplemental carriers, and the U.S. Departments of Justice and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-20175 Filed 7-12-76;8:45 am]

[Order 76-7-15; Docket 27573; Agreement C.A.B. 25953; R-1 through R-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority July 7, 1976.

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 Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated June 23, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
25953:		
R-1.....	1082	Hatching eggs; ¹ 265¢/kg, minimum weight 500 kg; from New York to Monrovia.
R-2.....	1409	Ethroglin and Lulavin; ^{1,2} 120¢/kg, minimum weight 500 kg; from Tel Aviv to New York.
R-3.....	6485	Optim; ² 223¢/kg, minimum weight 1,000 kg; from Bombay/Delhi to New York. 225¢/kg, minimum weight 1,000 kg; from Calcutta to New York.
R-4.....	1400	Floral and/or nursery stock and bulbs, flowers, seeds and tubers; ² 120¢/kg, minimum weight 500 kg; from Papeete to Los Angeles.
R-5.....	6001	Chemicals, ² drugs, pharmaceuticals, and medicines; ² 176¢/kg, minimum weight 100 kg; from Auckland to Los Angeles.
R-6.....	9202	Toys, games, athletic, and sporting goods; ² 152¢/kg, minimum weight 200 kg; from Auckland to Los Angeles.
R-7.....	9380	Electrically operated training aids, namely, alignment devices; ² 151¢/kg, minimum weight 1,000 kg; from Sydney to Los Angeles.

¹ Expires Mar. 31, 1977.

² New description.

³ Expires June 30, 1977.

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. 25953, R-1 through R-7, 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.76-20174 Filed 7-12-76;8:45 am]

[Docket 27914]

TOURIST ENTERPRISES CORPORATION "ORBIS" D/B/A ORBIS POLISH TRAVEL BUREAU, INC., AND D/B/A PARGIELLO SERVICES, INC.

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding, previously scheduled to be held on July 15, 1976 (41 F.R. 23224, June 9, 1976), is hereby postponed until further notice.

Dated at Washington, D.C., July 7, 1976.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-20173 Filed 7-12-76;8:45 am]

COMMISSION ON CIVIL RIGHTS DELAWARE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 2:00 p.m. on August 4, 1976, at the YMCA Building, 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Washington, D.C., Rm. 510.

The purpose of this meeting is election of officers and to discuss activities for the fiscal year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-20147 Filed 7-12-76;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 4:00 p.m. on August 6, 1976, at 1121 Vermont Ave., NW., 5th Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to make preparations for the D.C. Forum on Civil Rights.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-20151 Filed 7-12-76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 5:00 p.m. on August 8, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programming and followup on programming.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-20150 Filed 7-12-76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 8:30 p.m. and end at 12:00 p.m. on July 27, 1976, at the Ramada Inn, Concord, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program followup.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-20148 Filed 7-12-76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on July 26, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program followup.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-20149 Filed 7-12-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL COMMUNICATIONS COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Chief, Cable Television Bureau.

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

[FR Doc.76-20191 Filed 7-12-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ROUND WHITE POTATO FUTURES CONTRACT

Receipt of Proposed Contract Terms From New York Mercantile Exchange

On July 2, 1976 the Commodity Futures Trading Commission received from the New York Mercantile Exchange proposed contract terms for a Round White Potato Futures Contract. The Commission's staff will be reviewing the Exchange's proposal. The Potato contract proposal as submitted by the Exchange is set forth below.

The Commission is inviting comment from all interested persons in order to assist it in reviewing the proposed changes. Although the Commission does not, as a general practice, request public comment on proposed changes in contract market terms and conditions, it is doing so in this particular case. In addition to soliciting written comments, the Commission anticipates holding oral hearings regarding the proposed changes on a date to be selected later.

All written comment should be directed to Ms. Jane Stuckey, Director, Office of Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Written comments should be received by August 13, 1976.

Issued in Washington, D.C. on July 8, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

ROUND WHITE POTATO FUTURES CONTRACT

51.01 Scope.

The provisions of this chapter shall apply to round white potatoes bought or sold for future delivery on the Exchange.

51.02 Contract unit.

The seller shall deliver 45,000 pounds (900 bags), but in no event less than 40,000 pounds (800 bags), nor more than 45,000 pounds.

51.03 Specifications.

Potatoes delivered under this contract shall be grown in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont. The potatoes delivered under this contract shall be all round white varieties, with the exception of Cobblers and Warba varieties, grading U.S. No. 1, Size A, 2 inch minimum—4 inch maximum in straight truckloads. Substitutions are permitted as follows: On April and May contracts only, straight truckloads of U.S. Commercial Grade, Size A, 2 inch minimum—4 inch maximum, all round white varieties, with the exception of Cobblers and Warba varieties, may be delivered, at a discount of 25% of the final settling price per 50 pounds. The Grade Standards shall be United States Standards for Grades of Potatoes, promulgated by the Secretary of Agriculture, in effect on the day of delivery.

51.04 Packaging.

The potatoes delivered under this contract shall be packed consistently in either kraft or white new paper 50 pound bags properly closed of at least three-wall construction with the outer and inner piles treated for high wet strength; all bags branded alike. Each truckload shall be packed with ten extra empty bags. The extra bags shall bear the same brand as the packed bags and shall be located at the tailgate area of the truck and shall be listed on the shipping document. In the event the seller fails to pack ten extra empty bags, he shall be subject to a \$20 charge collected by the Exchange and remitted to the buyer. If governmental action or existing conditions beyond the control of the seller prevent the use of packaging as required herein, delivery may be made in packages of such size and/or type as may be determined by the Board of Governors.

51.05 Prices and Fluctuations.

(a) Prices shall be quoted in dollars and cents per 50 pounds. The minimum fluctuation shall be one cent per 50 pounds. The maximum permissible price variation in any one day shall be 30¢ per 50 pounds above or below the preceding day's settling price.

(b) If the settling price for any month shall move by the maximum permissible variation in either direction, the maximum permissible variation in either direction for all months during the next business session shall be 50% above the maximum permissible variation that would otherwise be in effect pursuant to section (a) above.

(c) If the settling price for any month for a business session for which the maximum

permissible variation has been established in accordance with section (b) above shall move by the maximum permissible variation in the same direction, the maximum permissible variation in either direction for all months during the next business session shall be twice the maximum permissible variation that would otherwise be in effect pursuant to section (a) above.

(d) Such increased permissible variation shall remain in effect for all subsequent business sessions of the Exchange until the business session following the first session at which the settling price for no month shall move by the expanded maximum permissible variation in the same direction, whereupon, not withstanding the provisions of section (b) above, the maximum permissible variations for all months shall revert to that specified in section (a) above, for the next business session.

(e) There shall be no limit on price fluctuations on the last trading day of the delivery month.

51.06 Contract months.

Trading shall be conducted in contracts providing for delivery in the months of November, March, April, May and such other months as may be determined by the Board of Governors. The Clearing House Committee shall decide when trading in the various delivery months shall begin.

51.07 Termination of trading.

Trading in the current delivery month shall cease at the close of the 5th Exchange business day of the month.

51.08 Delivery.

(a) Deliveries on all contracts shall be made only in the properly enclosed, insulated trucks on a delivered basis, freight allowance as established and published by the Exchange allowed from point of origin to Hunts Point, New York City, New York.

(b) Delivery shall be made at the buyer's option: (1) At point of origin, with buyer waiving final inspection and accepting the truck FOB (2) or to a final inspection point that has been established and published by the Exchange with grade guaranteed.

(c) Should the Board of Governors determine, in its sole discretion, that existing conditions prevent satisfactory delivery by truck, the Board may permit delivery by rail under such terms and conditions as determined by the Board.

51.09 Delivery procedure.

(a) Open Longs: Clearing Members shall give written notice to the Clearing House by 5:00 p.m. on the last trading day of the delivery month of the purchase price and the date of purchase for all open long positions in the delivery month indicating whether House or Customer Account.

(b) Intention to Deliver: Intention to Deliver may be given by the seller to the Clearing House by 3:00 p.m. on the next Exchange business day following the last day of trading of the delivery month or any subsequent Exchange business day not later than the 26th calendar day of the delivery month unless the 26th falls on an Exchange non-business day, in which case Intention to Deliver shall be made on the Exchange business day immediately preceding the 26th calendar day.

(1) Upon receipt of the Intention to Deliver, the Clearing House shall pass the Intention to Deliver to the oldest buyer.

(2) The Intention to Deliver shall be signed and in quadruplicate on the form prescribed by the Clearing House, containing the information required thereon.

(3) The day the buyer receives the Intention to Deliver shall be referred to as the Intention to Deliver Day.

(c) Disposition of Intention to Deliver: By 3:00 p.m. on the next calendar day following the Intention to Deliver Day either:

(1) The buyer shall notify the Clearing House and the seller in writing of the final inspection and/or destination points, or

(2) The buyer and seller shall each notify the Clearing House in writing of an agreement as per Rule 44.04 (Tentative Rule Number).

(3) The day the buyer gives instructions shall be referred to as the Disposition of Intention to Deliver Day.

If no instructions are given by the buyer by the specified time, the buyer shall be subject to a \$100 charge. When no instructions are given by the 2nd calendar day after the Intention to Deliver Day then the delivery shall be referred to the Storage and Delivery Committee. The Exchange shall bill the buyer for all charges and in turn remit all sums collected to the seller. The Contract shall be deemed delivered F.O.B. at point of origin with no final inspection.

(d) Initiation of Deliveries: Delivery Notices shall be given by the seller to the Clearing House by 3:00 p.m. on any day not later than the 2nd business day following the Disposition of Intention to Deliver Day. If any such day falls on a non-business day, the Clearing House will accept the Delivery Notice on the next business day.

(1) The Delivery Notice shall be signed in quadruplicate on the form prescribed by the Clearing House which corresponds with the Intention to Deliver Notice. The Delivery Notice shall be properly completed, including a live original Federal-State inspection certificate number, and shall set forth the amount to be paid by the buyer.

(2) Upon receipt of the Delivery Notice, the Clearing House shall pass the Delivery Notice to the corresponding buyer.

(3) It is the seller's responsibility to have the truck move when (i) instructions have been received and (ii) loading has been completed, but no later than the 2nd business day after receipt of instructions.

(4) If the seller fails to move the truck within two business days after receiving instructions from the buyer, the seller shall be subject to a \$100 charge per day for the next two business days. Failure to comply with the above section will subject the seller to the default rules. The Exchange shall bill the seller for all charges and in turn remit all sums collected to the buyer.

(5) The day the buyer receives the Delivery Notice shall be referred to as the Notice Day.

(e) Settling Price: The last settling price shall be the basis for delivery.

(f) Non-Transferable: The buyer who thus receives a Delivery Notice from the Clearing House shall be deemed to have agreed to accept delivery. Intention to Deliver and/or Delivery Notices are not transferable.

(g) Delivery Day: The buyer who receives a Delivery Notice shall present payment by certified check to the seller by 12 noon following the day of notification that the truck has passed final inspection. The buyer who accepts delivery at point of origin and waives reinspection shall present payment by certified check to the seller by 12 noon following the day the seller notifies the buyer that the truck is ready for delivery.

(1) The risk of loss for the potatoes delivered hereunder shall pass from the seller to the buyer at the time the buyer receives notification that the truck has passed final inspection or when the potatoes are deemed delivered without final inspection in accordance with Section 51.09(c), or, if a buyer accepts delivery at point of origin and waives final inspection.

(2) The day the buyer pays for the potatoes delivered shall be referred to as the Delivery Day.

51.10 Buyer's Obligations.

(a) The buyer may accept the truck F.O.B. without final inspection or

(b) The buyer must accept the truck with final inspection at an approved final inspection point.

(c) The buyer shall notify the Clearing House and the seller in writing of the final inspection and/or destination points.

(d) The buyer shall pay the Exchange the established and published charges for each truck which has passed final inspection.

(e) The buyer must accept the delivery freight collect.

51.11 Seller's obligations.

(a) When the Intention to Deliver is tendered on a Friday or on the day prior to an Exchange Holiday, the seller shall make himself available on the following Saturday or Exchange Holiday up to 3:00 p.m. to receive written delivery instructions.

(b) The seller must order an unrestricted original inspection in accordance with New York Mercantile Exchange contract specifications at point of origin.

(c) The seller shall notify the buyer who waives final inspection that the truck is loaded and ready for delivery.

(d) The seller shall take action to ensure that the shipping documents containing the final inspection and/or destination points as specified in the written notice of the buyer, statement of inclusion of extra bags in the shipment and statement that the shipment is a New York Mercantile Exchange tender.

(e) The seller shall notify the Clearing House of the expected arrival of the truck at the final inspection point.

(f) The seller shall be responsible for all charges incurred for hold over at a final inspection point.

(g) The seller shall pay the Exchange the established and published charges for each truck which has failed final inspection.

(h) In the event the truck fails to grade at the Final Inspection Point, the seller must within four business days after notification of failure to grade, replace the truck with one which meets the requirements of this contract. The seller has the option of:

(1) Tendering a replacement from a point of origin with a live original inspection to destination with final inspection at the Final Inspection Point, or

(2) Tendering a replacement at the Final Inspection Point with a live final inspection and have the truck shipped to the stated destination or,

(3) Tendering a replacement at the delivery point with a live final inspection and have the truck shipped to the stated destination or

(4) A replacement with the original buyer may be made pursuant to Rule 44.04(b). (Tentative Rule Number).

(1) Notice of replacement deliveries must be given to the Clearing House by 4:00 p.m. on any Exchange business day. All final inspections must be completed by 3:00 p.m. of the 4th business day of the month following the contract month.

51.12 Weight.

Under no circumstances shall the weight delivered and invoiced be less than 40,000 pounds or more than 45,000 pounds. A buyer may request a weight test at point of final inspection provided he so notifies the Exchange, in writing, before completion of the final inspection. The certificate of weight shall show the trailer number, location and identification of the lot to be weighed. The weighing shall be done by a weighmaster ap-

pointed by the Exchange. No weight test shall be conducted if the truck is partially or completely unloaded or if the contents have been disturbed except as the result of an official inspection. The weighmaster shall weigh at least twenty bags taken at random out of the original lot delivered, but he shall not take any bags that were previously inspected. If the weight test shows an average weight below the marked weight of the bags, the lot shall not be a good delivery and the seller shall bear the full cost of the weight test. If the weight test shows an average weight equal to or greater than the marked weight of the bags, the lot shall be a good delivery and the buyer shall bear the full cost of the weight test. A certificate of weight shall be issued by the weighmaster.

51.13 Official inspection.

(a) Original Inspection:

(1) A Federal-State unrestricted original inspection shall be made at the point of origin. On the basis of this inspection, an inspection certification shall be issued which shall show the date, time of inspection, trailer number, lot identification, certificate number, the grade and size, and the signature of the inspector. The original inspection certificate shall be made available to the Exchange. A copy of the original inspection certificate shall accompany the lot delivered to the buyer. The original inspection certificate shall be good only at point of origin, and shall be good for three calendar days immediately following the day of inspection.

(2) If written evidence is submitted that unrestricted Federal-State inspection at point of origin cannot be procured, the unrestricted Federal-State inspection is required at a final inspection point designated by the buyer as in section 51.08(b)(2). It is the seller's responsibility to arrange for this inspection and make the potatoes accessible for inspection. On the basis of this inspection, an inspection certificate shall be issued which shall show the date, time of inspection, trailer number, lot identification, inspection certificate number, the grade and size, and the signature of the inspector. This inspection certificate shall be final and good for the three calendar days immediately following the day of inspection.

(3) Each time a certificate based on an unrestricted inspection at the point of origin expires, the potatoes shall again have an unrestricted inspection to be good for delivery.

(4) The seller shall pay all costs incurred by the original inspection.

(b) Final Inspection:

(1) A Federal restricted final inspection shall be made at a final inspection point. On the basis of this inspection, an inspection certificate shall be issued which shall show the date, time of inspection, trailer number, lot identification, inspection certificate number, the grade and size, and the signature of the inspector.

(2) All requests for restricted final inspections shall be made through the Exchange; the Exchange will, in turn, notify the U.S. Department of Agriculture inspectors at the Final Inspection Point. The Exchange shall notify the buyer and seller of the result of the final inspection. The Exchange shall supply a copy of the Federal inspection certificate to the party that is responsible for payment of the inspection.

(3) The final inspection shall be final and good for three calendar days immediately following the day of inspection.

(4) All final inspection charges assessed by the U.S. Department of Agriculture shall be billed to and paid for by the Exchange. The Exchange, in turn, shall bill and collect the established and published charges from the buyer for each truck which has passed final inspection and from the seller for each truck which has failed final inspection. Any

charges accruing as a result of a delay in inspection shall be paid by the person requesting the inspection.

(5) In the event that inspections cannot be made by the methods outlined above, the Exchange may arrange for inspections by one or more persons whom they deem qualified. The Exchange shall then issue official inspection certificates on the basis of the findings of the person or persons making the inspections.

ROUND WHITE POTATO FUTURES CONTRACT

[Supplement No. 1]

(Insert in Rule Book after Round White Potato Futures Contract Rules—Section 5)

OFFICIAL FREIGHT ALLOWANCE TO HUNTS POINT, NEW YORK CITY, NEW YORK

(A truck allowance shall be established and published by the Exchange from points in the deliverable states to Hunts Point, New York City, New York.)

ROUND WHITE POTATO FUTURES CONTRACT

[Supplement No. 2]

(Insert in Rule Book after Round White Potato Futures Contract Rules—Section 5)

OFFICIAL FINAL INSPECTION POINTS

(The general points under consideration with the U.S.D.A. include: Caribou, Boston, Hunt Point, Newark, Rochester, and Albany.)

ROUND WHITE POTATO FUTURES CONTRACT

[Supplement No. 3]

(Insert in Rule Book after Round White Potato Futures Contract Rules—Section 5)

OFFICIAL FINAL INSPECTION CHARGES

(The Exchange shall determine a charge that will be comprised of U.S.D.A. charges, labor, platform costs, etc.)

[FR Doc.76-20201 Filed 7-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 576-8]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS; PENNSYLVANIA

Air Quality Standards for Total Suspended Particulate Matter, Sulfur Dioxide, Carbon Monoxide and Photochemical Oxidants

On October 20, 1975 (40 FR 49056) and again, on May 3, 1976 (41 FR 18387), the Administrator notified the public of his intention to review all State Implementation Plans (SIP's) to determine their adequacy to attain and maintain the National Ambient Air Quality Standards (NAAQS) for all areas of the nation whether identified as Air Quality Maintenance Areas (AQMA's) or not. Further, he advised the public of his intention to call for plan revisions whenever he found a plan to be substantially inadequate to attain the national standards. All reviews of existing State plans and calls for needed revisions were to be completed by July 1, 1976.

The following notice summarizes the results of the Regional Administrator's review of the existing SIP for the Commonwealth and his calls for needed revisions to the plan to assure the attainment and maintenance of the NAAQS

for total suspended particulate matter (TSP), carbon monoxide (CO) and photochemical oxidants.

A description of the history of air quality planning to attain and maintain the NAAQS for TSP and Sulfur Dioxide in the Commonwealth of Pennsylvania will first be given. This will be followed by a brief discussion of the general nature of the TSP problems that have been identified since the approval of the original SIP and to which the need for today's action can be attributed. More detailed descriptions of the current TSP and Sulfur Dioxide air quality situation along with descriptions of completed, ongoing, and needed studies will then be presented. This will be followed by the actual calls for needed TSP and Sulfur Dioxide plan revisions.

After the calls for needed plan revisions to attain and maintain the TSP and Sulfur Dioxide Standards, a history and analysis of the problems relating to transportation control planning in the Commonwealth of Pennsylvania will be given. This will be followed by the Regional Administrator's suggestions for the types of controls and planning that may be necessary to assure the attainment and maintenance of the NAAQS for oxidants and carbon monoxide. Calls for the needed revisions to the existing plan for the attainment and maintenance of the oxidant and carbon monoxide standards will then be made.

Finally, a summary of actions that will be required for the development, adoption and submittal of approval plans for the attainment and maintenance of the NAAQS will be specified.

HISTORY OF AIR QUALITY PLANNING TO ATTAIN AND MAINTAIN THE NAAQS FOR TSP AND SULPHUR DIOXIDE IN THE COMMONWEALTH OF PENNSYLVANIA

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act, and 40 CFR Part 51, Regulations for the Preparation, Adoption and Submittal of State Implementation Plans, the Administrator approved the control strategies for the attainment and maintenance of the National Primary Standards for particulate matter and sulfur dioxide in all Air Quality Control Regions (AQCR's) in the Commonwealth of Pennsylvania. In the same action, Plans for the attainment and maintenance of the secondary standards for Particulate Matter and Sulfur Dioxide were also approved for all AQCR's in the State except the Pennsylvania Portion of the Metropolitan Philadelphia Interstate AQCR and the Southwest Pennsylvania Intrastate AQCR. The Plans were designed to attain the National Ambient Air Quality Standards (NAAQS's) for particulate matter and sulfur dioxide by July 1975 and maintain standards thereafter.

On August 8, 1974 (39 FR 28525), a Plan was proposed for the attainment of the National Secondary Standard for sulfur dioxide in the Pennsylvania Portion of the Metropolitan Philadelphia Interstate AQCR. This proposal was based on a review of existing air quality

data in the Philadelphia Region which showed a lack of violations of the secondary sulfur dioxide standard during 1973. The Administrator delayed in approving the proposal, however, in order to allow for further air quality data to be gathered which would reflect continued attainment of the national secondary standard. After reviewing additional air quality data available from Philadelphia Air Management Services which indicated that no violation of the secondary standard occurred through all of 1974 and 1975, the Administrator, on April 30, 1976 (41 FR 18078), approved the existing control strategy for the attainment of the primary sulfur dioxide standards in the Philadelphia AQCR as adequate to attain the secondary standard for sulfur dioxide.

The Pennsylvania Department of Environmental Resources, Philadelphia Air Management Services, the New Jersey Department of Environmental Protection and the Delaware Department of Natural Resources, which constitute the cognizant air pollution control agencies in the Metropolitan Philadelphia Interstate AQCR, in conjunction with Regions II and III of the Environmental Protection Agency, have recently undertaken a study to determine the feasibility of revising sulfur-in-fuel regulations in the AQCR in order to achieve a greater degree of equity in sulfur dioxide control throughout the region. At present, sulfur-in-fuel requirements vary between the jurisdictions that constitute the AQCR. This study is described in greater detail under a later section of today's action entitled "Review of Particulate and Sulfur Dioxide Air Quality in the Pennsylvania Portion of the Metropolitan Philadelphia AQCR".

No plan has been proposed for the attainment and maintenance of the national secondary standard for sulfur dioxide in the Southwest Pennsylvania AQCR. Instead, the Regional Administrator, in conjunction with the Pennsylvania Department of Environmental Resources and the Allegheny County Health Department, has undertaken several studies to characterize the problem and decide on appropriate control strategies. These studies will be described in greater detail later in this action.

On February 22, 1974 (39 FR 6727) the Administrator proposed Plans for the attainment of the national secondary standard for particulate matter in the Southwest Pennsylvania Intrastate and the Pennsylvania Portion of the Metropolitan Philadelphia Interstate AQCRs. These proposals were based on detailed air quality diffusion modeling analyses which indicated that enforcement of existing control strategies for the attainment and maintenance of the national primary standards for particulate matter for the two Regions, plus stricter controls on certain coking operations in the Southwest Pennsylvania AQCR would be sufficient to assure the attainment of the national secondary standard in the two regions. After further review of the technical analyses, the air quality situation in the two regions and the status of com-

pliance of major particulate matter sources in the regions, the Regional Administrator decided that a further study of the two Regions should be made before Plans for the attainment and maintenance of the national secondary standard could be promulgated. Therefore, the Regional Administrator has undertaken several studies in the two AQCRs to characterize the air quality situation and prepare plans for the Attainment of the NAAQS for Particulate Matter. These studies will also be described in greater detail later in this action.

On March 8, 1973 (38 FR 6209), the Administrator disapproved all plans with respect to maintenance of standards, in that they did not include an adequate analysis of the impact of growth on air quality for any significant period of time in the future. Further, after careful review of the air quality situation and potential growth in all regions of the Commonwealth of Pennsylvania that are part of any Standard Metropolitan Statistical Area, in accordance with the "Guidelines for Designation of Air Quality Maintenance Areas" (OAGPS No. 1.2-016), the Administrator, on September 9, 1975 (40 FR 41952), designated all 12 air basins, as defined by the Pennsylvania Department of Environmental Resources, as Air Quality Maintenance Areas (AQMAS) for Particulate Matter. These areas include all major urbanized areas in the Commonwealth of Pennsylvania. The approved SIP contains an exact delineation of the boundaries of the 12 areas. In the September 9, 1975 Notice the Administrator also designated the Allegheny County, Beaver Valley and Monongahela Valley Air Basins and the Pennsylvania Portion of the Metropolitan Philadelphia AQCR as AQMAS for sulfur dioxide. Again, the approved SIP contains a description of the exact boundaries of these areas. For each of these areas, the State was required to initiate detailed studies to determine if plan revisions were needed to assure maintenance of the NAAQS for the appropriate pollutants.

In the Summer of 1975, the Regional Administrator of Region III undertook a study to review the progress toward attaining national standards in all AQCRs in Region III. These analyses included review of existing air quality data, technical reviews of state monitoring programs to determine if recorded air quality data was valid and representative of local conditions, and review of the status of compliance of major emission sources. Further, the States were requested to make independent reviews of the probable attainment situations in their jurisdictions that will result from full compliance with existing control strategy requirements. These studies, in conjunction with the detailed maintenance studies and the studies to develop adequate plans for the attainment of the national secondary standards in the Philadelphia and Southwest Pennsylvania Regions previously mentioned, are the basis for the Regional Administrator's determination to call for needed plan revisions to assure the attainment and maintenance of the

national ambient air quality standards for TSP and Sulfur Dioxide.

The Regional Administrator would like to make it clear that the calls for plan revisions for TSP and Sulfur Dioxide are based on determinations made cooperatively between EPA Region III and the Pennsylvania Department of Environmental Resources. Though the technical analysis upon which these calls are being made is preliminary, the two agencies agree that the calls represent the best present estimate of the probable air quality situation in the AQCR's after full compliance with existing control strategy requirements. These determinations were made only after a lengthy series of consultations between the two agencies. This notice describes the results of some of the studies referred to above and sets dates for the completion of other needed studies and for the submittal of needed plan revisions to assure the attainment and maintenance of the NAAQS for Particulate Matter and Sulfur Dioxide in all regions of the Commonwealth of Pennsylvania.

Before describing the results of the Regional Administrator's analyses of the affected AQCR's, a brief description will be given of the general nature of the TSP and Sulfur Dioxide air quality problems that have arisen in the Commonwealth of Pennsylvania since the approval of the original State Implementation Plan and that have caused the need for further air quality control measures.

GENERAL NATURE OF THE PARTICULATE MATTER PROBLEM IN THE COMMONWEALTH OF PENNSYLVANIA

Approval of the original State Implementation Plans for Particulate Matter was primarily based on results of the use of a proportional linear rollback model. This technique assumed that most of the particulate matter measured by the Hi-vol was due to stationary sources, with only a small background (35 ug/m³) due to other uncontrollable sources. This background number was determined on the basis of rural samplers and was assumed to be the same for urban locations. In retrospect, it is now known that this assumption may not be valid and that urban "background" may well be much higher. This question is the primary reason for various studies which are currently being conducted. It also appears that particulate material originally considered a part of background may be amenable to some degree of control. Examples of this include particulate from traffic on paved roads, dust from storage piles, and dirt from demolition and excavation operations, as well as fugitive emissions from industrial processes and shipping.

In many major metropolitan areas, including Philadelphia, the original rollback calculations were checked by diffusion modeling. In this process, the existing point source emission inventory was modeled and the calculated results were compared to existing air quality measurements. Since there was about a two-to-one discrepancy between model results and ambient measurements, the

model was "calibrated" by scaling the calculations along a best-fit line with ambient data. For this process, a correlation coefficient of .6 was required. The end result of this process was a model which only explained 1/3 of the variations among ambient monitoring stations. In essence, the whole process of "calibration" means that major influences on ambient data may not be included in model calculations. While this was recognized at the time, it was the best that could be done under the deadlines imposed by the Clean Air Act.

Immediately following this process, the City of Philadelphia proposed a study of the particulate problem because they felt that the urban background was not adequately represented by the assumption of 35 ug/m³. This study was approved by EPA and funded partially out of agency grant funds in 1972. While the funding of this study was quite limited, it did demonstrate that the original assumptions may not have been adequate in describing the particulate problem. Over 50% of total suspended particulate matter was attributed to non-point sources.

REVIEW OF PARTICULATE MATTER AND SULFUR DIOXIDE IN THE PENNSYLVANIA PORTION OF THE METROPOLITAN PHILADELPHIA AQCR

Review of air quality data submitted by the Pennsylvania Department of Environmental Resources and Philadelphia Air Management Services, the two cognizant air pollution agencies for the Pennsylvania Portion of the Metropolitan Philadelphia Air Quality Control Region, indicates that violations of both the primary and secondary particulate matter standards exist over a substantial part of the Metropolitan Philadelphia AQCR. This is true for both Philadelphia County proper, where it appears that both industrial sources as well as more generalized sources of emissions have contributed to violations of both the short and long term standards, as well as the four county region that surrounds Philadelphia County. Violations in these four counties appear to be localized near several heavily industrialized areas.

In order to more accurately characterize the exact reason for the continuing violations of the particulate matter standards, the Administrator has undertaken two major studies. The primary purpose of the first study is to update the emission inventory for the entire Philadelphia Interstate Air Quality Control Region. It will also include a mathematical diffusion modeling exercise that will, hopefully, suggest the major sources contributing to the particulate matter problem in the region. It is expected that this study will be completed by the Fall of 1976. The second study is limited to the City of Philadelphia, and focuses on the refinement of the particulate matter inventory in Philadelphia to more correctly reflect the magnitude of fugitive

and area source contributions to the overall particulate matter problem. This study is to be completed by the Spring of 1977. It is expected that the results of these two studies will provide assistance to the State and local agencies to aid them in more accurately predicting the effectiveness of contemplated control strategies for the attainment and maintenance of the NAAQS for particulate matter.

Review of submitted air quality data also indicates that the primary sulfur dioxide standard continues to be violated at one monitoring station in the Region, located in the center of the City of Philadelphia. On the basis of information submitted by Philadelphia Air Management Services, the Regional Administrator believes that this station will attain the NAAQS for sulfur dioxide once the Eddystone Generating Station of the Philadelphia Electric Company is brought into compliance with the applicable SIP sulfur-in-fuel requirements. This plant is on an approved compliance schedule and will come into compliance in early 1979. In order to validate this presumption, however, the Regional Administrator has undertaken a study to update the existing emission inventory for sulfur dioxide in the Air Quality Control Region and make use of a detailed mathematical diffusion model to predict resultant air quality after full compliance with applicable control strategy requirements has been achieved. This study is expected to be completed by the Fall of 1976. The results of this study will also be used to determine the feasibility of revising sulfur-in-fuel regulations in order to achieve a greater degree of equity in sulfur oxide control as described earlier in this notice.

REVIEW OF PARTICULATE MATTER AND SULFUR DIOXIDE AIR QUALITY IN THE SOUTHWEST PENNSYLVANIA INTRASTATE AIR QUALITY CONTROL REGION

Review of air quality data submitted by the Pennsylvania Department of Environmental Resources and the Allegheny County Department of Health indicates that violations of the primary and secondary sulfur dioxide standards exist at a number of locations in the Southwest Pennsylvania Air Quality Control Region. Further, the Administrator has completed a detailed study of the air quality situation in Allegheny County to determine if the sulfur dioxide standards would be attained once full compliance with existing control strategy requirements has been achieved. This study included an update of the emission inventory for sulfur dioxide sources in the County and also included a detailed mathematical diffusion modeling exercise. Results of this indicate that the NAAQS for sulfur dioxide will not be achieved even with full compliance with existing emission limiting regulations.

Further, the Regional Administrator has undertaken a second study of the

Beaver and Monongahela Air Basins, where major sources of sulfur dioxide exist. This study includes an update of the existing emission inventories for the two basins and a detailed mathematical diffusion modeling exercise that will be used to predict expected air quality when full compliance with existing regulations has been achieved. Air quality projections will also be made for the years 1985 and 2000. Review of available air quality data indicates that no violations of the national primary standards of SO₂ were recorded in the two basins during 1975. Results of the study will, therefore, be used by the Pennsylvania Department of Environmental Resources to determine whether standards will be maintained in the basins. Results of this study are expected by the Fall of 1976.

A further review of air quality submitted by the Pennsylvania DER and the Allegheny County Health Department indicates that violations of the National Ambient Air Quality Standards for Particulate Matter continue to exist over a substantial part of the Southwest Pennsylvania Air Quality Control Region. The Regional Administrator has undertaken a major study to characterize the causes of these violations and determine appropriate strategies for the attainment and maintenance of the National Standards. This study includes filter analysis and pollutant advection studies as well as the development of a mathematical diffusion model that will describe the air quality situation in the Region. The results of this phase of the study will be used to test alternative attainment and maintenance control strategies. It is the belief of the Regional Administrator that the results of this major study will also be of direct benefit to a number of other regions throughout the Commonwealth and Country where similar extensive violations of the NAAQS for particulate matter have continued to occur even after full compliance with existing control regulations has been achieved. The results of this study are expected by the Fall of 1977.

REVIEW OF PARTICULATE MATTER AIR QUALITY IN THE NORTHEAST PENNSYLVANIA, NORTHWEST PENNSYLVANIA AND SOUTH CENTRAL PENNSYLVANIA AIR QUALITY CONTROL REGIONS

Review of submitted air quality data for the South Central Pennsylvania Intrastate AQCR, the Central Pennsylvania Intrastate AQCR and the Pennsylvania Portions of the Northeast and Northwest Pennsylvania Interstate AQCR's indicates that violations of both the short and long term NAAQS for particulates exist in a number of monitoring locations in the four regions and specifically in six of the air basins found in the Regions. Eight of the twelve air basins designated as Air Quality Maintenance Areas are located in these Air Quality Control Regions as indicated in the following table:

Basin	Air quality control region— Pennsylvania			
	North-east	North-west	South Central	Central
Allentown-Bethlehem-Easton	X			
Reading	X			
Seranton-Wilkes-Barre	X			
Erie		X		
Johnstown				X
Harrisburg			X	
Lancaster			X	
York			X	

Of these eight basins, all but the Allentown-Bethlehem-Easton and Lancaster basins showed violations of the Primary NAAQS for TSP in 1975.

In order to more accurately characterize the exact reasons for the continuing violations of the particulate matter standards in the air basins found in the four AQCRs, the Pennsylvania Department of Environmental Resources has undertaken a study of the Air Quality in the basins. Specifically, this study includes an update of the emission inventories for all eight basins and a mathematical diffusion modeling analysis for each basin to determine the ultimate attainment status of the areas and the probable causes for any predicted non-attainment. It is expected that the entire study will be completed by the Summer of 1977.

Suspected contributors to non-attainment in the Pennsylvania AQCRs include particulate from traffic on paved and unpaved roads, dust from storage piles, dirt from demolition and excavation operations, as well as fugitive emissions from industrial processes and shipping. Potential control measures for particulate matter, which should be considered or in some cases reemphasized, would therefore include control of sources not currently inventoried such as storage and shipping operations, control of demolition and excavation operations, street cleaning and additional control of currently inventoried stationary sources. It is not anticipated that any of these measures would be applicable to every problem area, nor would any one measure be expected to result in attainment. The Commonwealth should be prepared to identify the causes of the nonattainment problems and apply remedies as appropriate. The Regional Administrator feels, however, that strict enforcement of existing regulations, coupled with certain additional emission controlling regulations, will be required in order to attain and maintain standards. Further, the Regional Administrator does not expect that major changes to existing emission limiting regulations will be required as a consequence of this replanning effort. Therefore, to the extent possible, the Regional Administrator would like to instruct the Commonwealth to look at strategies controlling sources of emissions not already controlled under the applicable plan, rather than revising existing regulations. It is the Regional Administrator's belief that ongoing compliance actions should not

be affected by this replanning effort. Sources affected by existing regulations are advised that all existing regulations remain in effect and timely compliance is still required.

REGIONAL ADMINISTRATOR'S REVIEW OF EXISTING PARTICULATE MATTER AND SULFUR DIOXIDE REGULATIONS

The Regional Administrator has undertaken a review of the existing Commonwealth of Pennsylvania Implementation Plan Control Strategy for TSP to determine those existing particulate matter emission controlling regulations that are sufficiently restrictive in light of available technology. Such regulations should remain in effect. Attainment and maintenance of the Standards should be achieved through promulgation of additional regulations rather than through revision of those existing regulations which are contained in the approved SIP. Compliance with all existing regulations continues to be mandatory and

the good faith efforts of any source to satisfy the requirement contained therein will be recognized.

The determination of the adequacy of existing regulations is based on analyses which are available for public inspection as part of the "Technical Support Document for the Call for Needed SIP Revisions to Attain and Maintain the NAAQS for Particulate Matter in the State of Pennsylvania" and the "Technical Support Document for the Call for Needed SIP Revision to attain and Maintain the NAAQS for Sulfur Dioxide in the Southwest Pennsylvania AQCR" described below. As a consequence of the Regional Administrator's review, it is his belief that the following particulate matter controlling regulations represent such sufficiently restrictive control considering available technology that they should not be revised at this time. Each regulation is listed by the geographic area to which it applies.

Regulations	Geographic area of applicability
(1) Pennsylvania DER regulations:	
123.11—Particulate matter emissions from combustion units.	Statewide except Philadelphia and Allegheny Counties
123.12—Particulate matter emissions from incinerators.	Do.
123.13—Particulate matter emissions from the following processes:	Do.
a. Secondary lead smelting.	
b. Brass and bronze production.	
c. Primary iron and steel making:	
Steel making.	
Sintering.	
d. Primary zinc production.	
e. Primary lead production.	
f. Coal drying.	
g. Coal dry-cleaning.	
h. Petroleum refining: catalytic cracking.	
123.22(b)—Sulfur compound emissions from combustion units.	Beaver Valley air basin, Monogahela Valley air basin, southeast Pennsylvania air basin.
123.41—Visible emissions as the regulations have been applied to coke oven batteries by the Pennsylvania DER (refer to technical support document).	Statewide except Philadelphia, and Allegheny Counties.
(2) Philadelphia air management services regulations:	
Regulation II, secs. IV, V, VII—Visible emissions, particulate matter emissions from fuel burning and processes.	Philadelphia County.
Regulation XI—Particulate matter emissions from incinerators.	Do.
(3) Allegheny County Health Department regulations:	
1809.1A—Visible emissions.	Allegheny County.
1809.3A—Particulate matter emissions from combustion sources greater than 600×10^6 Btu/h.	Do.
1809.3B—Sulfur compound emissions from coal fired combustion sources greater than 2000×10^6 Btu/h.	Do.
1809.4—Particulate matter emissions from the following processes:	Do.
a. Secondary lead smelting.	
b. Brass and bronze production.	
c. Primary iron and steel making:	
Steel making.	
Sintering.	
d. Primary zinc production.	
e. Primary lead production.	
f. Coal drying.	
g. Coal dry-cleaning.	
h. Petroleum refining: catalytic cracking.	
(3) 1809.6B—Sulfur compound emissions from by-product coke oven gas.	Do.
1809.7—Visible emissions from coke oven batteries (refer to technical support document).	Do.

The Regional Administrator would like to make it clear that the above regulations are not necessarily regulations representing reasonably available control technology nor is the listing exhaustive. In particular, general regulations controlling emissions from a wide variety of processes, by necessity, reflect varying degrees of control depending on the specific process source. Further, this notice is not intended to impinge on the Commonwealth's prerogative to revise any regulation as needed. The Regional Administrator would like to emphasize, however, that it is his belief that the above regulations should only be revised after other strategies have been exhausted.

CALLS FOR NEEDED REVISIONS TO ASSURE THE ATTAINMENT AND MAINTENANCE OF THE NAAQS FOR PARTICULATE MATTER AND SULFUR DIOXIDE IN THE COMMONWEALTH OF PENNSYLVANIA

Therefore, on the basis of recent air quality data submitted by the Commonwealth of Pennsylvania in fulfillment of the requirements of Section 51.7 (Reports), and from the evaluation of various compliance actions taken by the Commonwealth to implement the applicable plans for the Southwest Pennsylvania Intrastate AQCR, the South Central Pennsylvania Intrastate AQCR, the Central Pennsylvania Intrastate AQCR, and the Pennsylvania portions of the Southeast Pennsylvania, Northeast Pennsylvania and Northwest Pennsylvania Interstate AQCR's and the previously mentioned technical analyses, it is the technical judgment of the Regional Administrator for Region III, that the presently approved control strategy portions of the plan for Particulate Matter (e.i.: pursuant to 40 CFR Part 51.13) are inadequate to attain and maintain the national particulate matter standards in all six Air Quality Control Regions that comprise the Commonwealth of Pennsylvania. Specifically, the Regional Administrator has completed updated proportional linear rollback analyses based on recorded 1975 air quality data for TSP which indicate continued violations of the NAAQS for TSP in the six AQCR's after full compliance with existing SIP requirements will have been achieved. Therefore, it is necessary to add additional control measures or to revise one or more existing regulations for control of particulate matter. The Regional Administrator's analyses upon which these determinations have been based have been summarized in a technical report entitled, "Technical Support Document for the Call for Needed SIP Revisions to Attain and Maintain the NAAQS for Particulate Matter in the Commonwealth of Pennsylvania".

Further, on the basis of recent air quality data submitted by the Commonwealth of Pennsylvania, evaluation of various compliance actions taken by the Commonwealth to implement the applicable plans for the Southwest Pennsylvania Intrastate AQCR and the previously mentioned analyses involving the air quality situation in the Southwest

Pennsylvania AQCR, it is the technical judgment of the Regional Administrator of Region III, that the presently approved control strategy portion of the Plan for Sulfur Dioxide is inadequate to attain and maintain the national sulfur dioxide standards in the Southwest Pennsylvania Intrastate AQCR. Specifically, the call for needed revisions is based on the Regional Administrator's review of the results of the previously mentioned diffusion modeling study in the Southwest Pennsylvania Intrastate AQCR which predicted violations of the NAAQS for SO₂ at a number of locations in the Region after full compliance with existing SIP requirements. Therefore, it is necessary to add additional control measures to the plan or revise one or more existing regulations for control of sulfur dioxide. The Regional Administrator's analysis has been summarized in a technical report entitled, "Technical Support Document for the Call for Needed SIP Revision to Attain and Maintain the NAAQS for Sulfur Dioxide in the Southwest Pennsylvania Air Quality Control Region."

Both the technical support document dealing with needed revisions to the Particulate Matter Control Strategy and the technical support document dealing with needed revisions to the Sulfur Dioxide Control Strategy are available for inspection and copying at the offices of the Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106 and the Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

HISTORY OF TRANSPORTATION CONTROL PLANS IN THE COMMONWEALTH

Transportation Control Plans for the Pennsylvania portion of the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Region (AQCR) were submitted on April 13, 1973 by the Commonwealth of Pennsylvania, pursuant to Section 110 of the Clean Air Act. The Pennsylvania plan contained five general strategies: (1) Federal Motor Vehicle Control Program, (2) Pennsylvania motor vehicle inspection, (3) mass transportation improvements, (4) automobile use disincentive and (5) automobile restraints. Although portions of the plans were approvable, neither plan could be approved in its entirety. Therefore on June 15, 1973, the Administrator issued an approval/disapproval notice containing his evaluation of the Commonwealth of Pennsylvania's plan. This notice was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 36559).

On July 3, 1973, the Administrator published a proposed Transportation Control Plan for the Pennsylvania portion of the Metropolitan Philadelphia and the Southwest Pennsylvania Air Quality Control Region (38 FR 37793). The proposals were largely based on the material submitted by the Commonwealth of Pennsylvania. Public hearings were held on July 30 and 31, 1973 in

Pittsburgh and on July 23, 24 and September 14, 1973 in Philadelphia.

Some portions of these submissions made in April were approved in a FEDERAL REGISTER notice that appeared on November 28, 1973. In this same notice, EPA promulgated other measures which, to the maximum extent possible, reflected the preferences of the Commonwealth of Pennsylvania.

On January 27, 1975 the Administrator announced, in a FEDERAL REGISTER Notice (38 FR 3995), receipt of and response to the Exclusive Bus/Carpool Lane Study for the Philadelphia and Southwest Pennsylvania Air Quality Control Regions under the requirements of sections 52.2048 and 52.2050. On the basis of the six corridors studied in the Philadelphia area, the Administrator concluded that three appeared suitable for bus/carpool lanes: I-95 north of the CBD, I-95 south of the CBD and a portion of West Chester Pike. In the Pittsburgh area of the 9 corridors studied, the Administrator found that one exclusive bus lane on a portion of West Liberty Avenue, one executive bus/carpool ramp at Stanwix Street and one pair of exclusive bus/carpool lanes on a portion of the Parkway East was suitable for implementation.

The United States Court of Appeals for the third circuit in case number 73-2121, Commonwealth of Pennsylvania vs. the Environmental Protection Agency, considered a petition for review of the action of the Administrator of the EPA in promulgating a transportation control plan for Pennsylvania. The court upheld EPA's authority to require implementation of a transportation control plan for Pennsylvania. On the question of air bleed to intake manifold retrofit, the court ruled that there was no factual support for the air bleed retrofit program in Allegheny County and was therefore arbitrary and capricious and must be set aside. At the same time the court upheld the legality of the regulation in the Philadelphia Interstate AQCR.

A second modification to the Transportation Control Plan for the Metropolitan Philadelphia and Southwest Pennsylvania AQCR came as a result of a notice published in the FEDERAL REGISTER on July 15, 1975, (40 FR 29713). In this notice the Administrator announced an indefinite suspension of § 52.2040 entitled Management of Parking Supply which was designed to limit commuter vehicular traffic and reinforce the anticipated reduction resulting from diversion of vehicular trips to mass transit facilities.

REVIEW OF CARBON MONOXIDE AND OXIDANT AIR QUALITY IN THE METROPOLITAN PHILADELPHIA INTERSTATE AQCR

On November 28, 1973, the Administrator promulgated a Transportation Control Plan for the Metropolitan Philadelphia Interstate AQCR on the basis of a second high eight hour reading for carbon monoxide of 20 ppm recorded on April 13, 1973. The plan required by March 31, 1976, a 55.5% reduction in

total carbon monoxide emissions from a 1971 base year value of 28,805 tons/year to an allowable emission value of 12,818 tons/year. In the same promulgation the Administrator noted that the second high one hour concentration of photochemical oxidants in 1971 at the Continuous Air Monitoring Project station was .13 ppm and the second high at the Philadelphia AMS laboratory in 1971 was .17 ppm. He also requested an evaluation of additional hydrocarbon emission data and recommended the adoption of further hydrocarbon control measures to offset what were yet unvalidated higher oxidant concentrations.

Since that time the Regional Administrator of EPA Region III has analyzed further data and observed the implementation progress and adequacy of the Philadelphia Transportation Control Plan in meeting NAAQS.

Carbon Monoxide data violating standards consists of an eight hour high reading of 16 ppm recorded on October 23, 1975 and no other eight hour violations greater than 12 ppm. Ten violations of the standard were recorded during calendar year 1975.

The Regional Administrator, based on the application of diffusion modeling has found that the attainment of NAAQS cannot be reasonably expected until at least 1983 for Carbon Monoxide. The basis for this conclusion is contained in a document prepared by the Delaware Valley Regional Planning Commission in conjunction with EPA, AMS and DER entitled "Assessment of Consistency: Regional Transportation Plans With State Air Quality Implementation Plans" dated September 1975. The Regional Administrator has determined that a short term intensive carbon monoxide monitoring study is needed to fully determine the extent to which carbon monoxide violations occur in the Philadelphia area.

From an examination of the monitoring data for Photochemical Oxidants, the Regional Administrator has determined that the procedures and monitoring techniques used generate valid ozone data. Many violations of the standards in the .18 to .25 ppm range have been detected in a very widespread area. Philadelphia Air Management Services measured a second high one hour reading of .26 ppm on July 30, 1975. Data obtained from the New Jersey Department of Environmental Protection Agency downwind of Philadelphia has shown a validated peak value of .29 ppm recorded on the same date.

REVIEW OF CARBON MONOXIDE AND OXIDANT AIR QUALITY IN THE SOUTHWEST PENNSYLVANIA INTRASTATE AQCR

On November 28, 1973, the Administrator promulgated a Transportation Control Plan (TCP) for the Southwest Pennsylvania Intrastate Air Quality Control Region based on a second high 8 hour carbon monoxide concentration of 21 ppm and on a second high one hour oxidant concentration of .155 ppm. The plan required a 56.9% reduction of carbon monoxide emissions from the 1971 levels by May 31, 1977 and a 49.3% reduction of hydrocarbon emissions from 1971 levels by June 30, 1976.

Since that time the Regional Administrator of EPA, Region III has analyzed further air quality data and observed the progress of implementation and adequacy of the Southwest Pennsylvania Transportation Control Plan in meeting NAAQS. The Regional Administrator has found that the Allegheny County Health Department's monitoring site in downtown Pittsburgh is measuring valid carbon monoxide data and is sited according to the OAQPS guidelines No. 1.2-012. The second high 8 hour reading for carbon monoxide for this site was 20.0 ppm measured on October 23, 1975. The Regional Administrator has determined therefore that carbon monoxide levels have failed to substantially improve from the 1971 second high of 21 ppm. In addition, it is his judgment that a short term intensive Carbon Monoxide monitoring study is necessary to determine the extent to which carbon monoxide violations occur in the Pittsburgh area.

Through the use of linear rollback the Regional Administrator has found that the expected reduction of 56.9% of total carbon monoxide emissions has not occurred. The analysis performed in the technical support document has shown that only a 22.4% reduction of CO emissions can be expected by May 31, 1977 or

about 34.5% short of the total reduction required. It is the Regional Administrator's determination that the carbon monoxide standard will not be attained until well beyond 1980.

The Analysis of Photochemical Oxidant monitoring data for the Southwest Pennsylvania Intrastate AQCR has shown a second high one hour concentration for oxidants of .245 ppm measured on July 31, 1975. It is the Regional Administrator's judgment that .245 ppm is a valid reading obtained in accordance with the EPA siting and measurement techniques.

REVIEW OF PHOTOCHEMICAL OXIDANT AIR QUALITY STATEWIDE

In the Spring of 1976, the Regional Administrator of Region III undertook a review of progress toward attaining national standards for photochemical oxidants in the Commonwealth of Pennsylvania. These analyses included review of existing air quality data.

Results of the Regional Administrator's review of the air quality data for photochemical oxidants is presented in the following table, which lists the maximum concentrations of ozone for the year 1975, and illustrates the widespread nature of the problem.

AQCR	Region	Monitor	Ozone, parts per million
045	I—Metropolitan Philadelphia Interstate	AMS—Roxborough	0.250
		COPAMS—Bristol	.827
		COPAMS—Chester	.182
		COPAMS—Norristown	.178
151	II—Northeast Pennsylvania Interstate	Reading	.172
		Seranton	.190
		Wilkes-Barre	.146
		Allentown	.215
		Boylehem	.240
195	IV—Central Pennsylvania Interstate	Johnstown	.168
		Harrisburg	.170
196	III—South-Central Pennsylvania Intrastate	Lancaster	.159
		York	.197
		Baden	.191
		Beaver Falls	.104
		New Castle	.125
		Charleroi	.227
197	V—Southwest Pennsylvania Intrastate	Penn Hills	.250
		Erle	.264
198	VI—Northwest Pennsylvania-Youngstown Interstate		

DISCUSSION OF NEED FOR STATEWIDE OXIDANT PLANNING AND OTHER FACTORS RELATING TO CONTROL OF PHOTOCHEMICAL OXIDANTS

Based on new information on the reactivity of hydrocarbons, the widespread nature of the photochemical oxidant problem, and the phenomenon of long distance transport of oxidant precursors, it is necessary to reevaluate hydrocarbon control strategies in terms of large interstate regions. Ultimately the regulations which result from this effort will have to address total hydrocarbon control over perhaps the entire eastern half of the United States.

The Regional Administrator recognizes that there is not yet available an adequate model to quantify the effect of hydrocarbon reduction on photochemical oxidant levels. The EPA has made a substantial effort in this area and will have a photochemical oxidant model in the near future. This model can be utilized in the development of hydrocarbon control strategies.

Because of the suspected role NO_x plays in the formation of oxidants, control of NO_x emissions may be required in order to meet the NAAQS for photochemical oxidants. The determination of whether additional NO_x controls are needed will be made after the relationship between hydrocarbons and NO_x in the formation of oxidants is determined.

Planning for hydrocarbon controls should initially emphasize those geographical areas responsible for the major amount of hydrocarbon emissions. In Pennsylvania these areas would be the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate AQCR. The initial phase of the plan should provide for control of major point sources statewide. Additionally, in the first phase there should be control of other hydrocarbon sources in the above mentioned AQCRs. The Plan should be phased so that hydrocarbon controls eventually extend throughout the state.

The Regional Administrator will provide additional technical support information and model regulations in sufficient time to meet planning deadlines.

CARBON MONOXIDE PLANNING AND PROPOSED STUDIES

Revisions for attainment and maintenance of the carbon monoxide standard should reduce carbon monoxide concentrations by reducing:

- (1) Overall CO emissions in the AQCR.
- (2) CO emissions at hotspots.

Overall CO emissions create the urban background. The Federal Motor Vehicle Control Program will account for a large amount of the required reduction. However, this reduction will not be as large as previously expected unless an effective Inspection and Maintenance program is implemented.

CO hotspots result from traffic congestion. The localized CO emissions combined with background levels can create serious violations of the CO standard. Hotspot locations occur in congested areas throughout metropolitan regions. CO hotspots should be identified and ranked according to severity. Mitigation measures should be developed where possible, beginning with the worst hotspots—those hotspots of greatest area, highest CO levels, and maximum population exposure. Traffic and parking management strategies, coordinated with transit improvements, are the most appropriate control measures for alleviating CO hotspot conditions.

The Regional Administrator recognizes that presently available data on the extent of the CO problem is not sufficient for planning CO strategies. He therefore is considering a detailed carbon monoxide monitoring program in the downtown areas of Philadelphia and Pittsburgh to better determine the magnitude and spatial distribution of carbon monoxide levels and to aid in the identification of CO hotspots.

RELATIONSHIP BETWEEN TRANSPORTATION PLANNING AND AIR QUALITY PLANNING

The success of control of oxidants and carbon monoxide is highly dependent on control of transportation sources. Transportation sources however, are not expected to bear the entire responsibility for attainment and maintenance of these standards. There is a trade-off between how much control should be required for stationary and transportation sources. The trade off should be determined by the amount that each source contributes to the problem, the effectiveness of Reasonably or Best Available Control Technology and the cost effectiveness of the measures. Transportation planning must utilize all reasonably available measures to control transportation sources.

New and revised transportation strategies should be developed by transportation agencies in coordination with air pollution control agencies through the normal transportation planning (3-C) process.

In the September 17, 1975, FEDERAL REGISTER the U.S. Department of Transportation issued regulations on the transportation planning process requiring Metropolitan Planning Organizations (MPO's) to prepare (a) short-range (3-5 years) Transportation Improvement

Programs (TIP's) and (b) plans for improved Transportation System Management (TSM). Therefore, new and revised transportation measures aimed at CO and HC emission reductions must be included in the TIP and TSM plans that result from the annual urban transportation planning process.

Specifically, five criteria must be met to insure that air quality measures are implemented as part of the urban transportation planning process: (1) The Metropolitan Planning Organization should participate in the development or revision of transportation measures; (2) all transportation measures (excluding source control measures; i.e. I/M and retrofit) scheduled for implementation in the next 3 to 5 years should be included in the short-range TIP; (3) all measures involving improved TSM (e.g., bus priority treatment, parking controls, traffic-free zones) should be included in the TSM element of the metropolitan area's transportation plan, regardless of when these measures are scheduled for implementation; (4) each transportation measure must appear in the annual element of the TIP for the year in which the transportation measure is scheduled for implementation; and (5) the transportation plan should be consistent with the requirements of the SIP, with consistency defined as in the joint EPA-FHWA guidelines for implementing section 109(j) of Title 23.

PUBLIC PARTICIPATION IN THE PLANNING PROCESS

In order that reasonable measures may be planned and implemented, it is essential that citizens and special interest groups be involved in the planning process for transportation measures in urban areas. Every attempt should be made to include citizens and special interest groups so that diverse interests are represented. Groups such as automobile clubs, parking lot owners, business associations, neighborhood associations and developers should be included as well as environmental groups and interested individuals.

A community involvement program should be developed in cooperation with the Metropolitan Planning Organization. This program should supplement citizen participation programs already in existence for the 3-C planning process and should provide for a continuous two-way exchange of information between planners and the public.

CALLS FOR PLAN REVISIONS TO ASSURE THE ATTAINMENT AND MAINTENANCE OF THE NAAQS FOR CARBON MONOXIDE IN THE METROPOLITAN PHILADELPHIA INTERSTATE AND SOUTHWEST PENNSYLVANIA INTRASTATE AQCR'S AND FOR PHOTO-CHEMICAL OXIDANTS STATEWIDE

On the basis of recent air quality data submitted by the Commonwealth of Pennsylvania in fulfillment of the requirements of Section 51.7 (Reports), and from the status of compliance with existing regulations, other items previously described in this notice, it is the technical judgment of the Regional Administrator for Region III that the

presently approved control strategy portion of the Pennsylvania State Implementation Plan for carbon monoxide is substantially inadequate to attain and maintain the national carbon monoxide standards in the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate AQCR's. Further, it is the technical judgment of the Regional Administrator that the presently approved control strategy portion of the Pennsylvania State Implementation Plan for Photochemical Oxidants is substantially inadequate to attain and maintain the national photochemical oxidant standards Statewide.

Therefore, it is necessary to add measures to the plans or revise one or more existing regulations for control of carbon monoxide and photochemical oxidants. The Regional Administrator's analyses have been summarized in the report entitled "Technical Support Document for Pennsylvania Set II Pollutants" and is available for inspection and copying at the offices of the Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106 and the Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

PLANNING REQUIREMENTS

Because of these identified deficiencies, the Regional Administrator finds that revisions to parts of the applicable control strategies for particulate matter, sulfur dioxide, carbon monoxide and photochemical oxidants in the applicable plans are needed. This FEDERAL REGISTER notice is intended to officially advise the Commonwealth of this requirement. Accordingly, the Commonwealth shall prepare and submit, by July 1, 1977, a plan revision containing adopted emission limiting regulations, as needed, which represent a reasonable degree of control and which may be implemented in a reasonable period of time to provide for the attainment and maintenance of the national standards as follows:

1. Particulate Matter Standards. South Central Pennsylvania Intrastate AQCR, Central Pennsylvania Intrastate AQCR, Pennsylvania portions of the Southeast Pennsylvania, Northeast Pennsylvania and Northwest Pennsylvania AQCR's.
2. Sulfur Dioxide Standards. Southwest Pennsylvania Intrastate AQCR.
3. Carbon Monoxide Standards. Metropolitan Philadelphia Interstate AQCR, Southwest Pennsylvania Intrastate AQCR.
4. Photochemical Oxidant Standards. Statewide.

The Regional Administrator does not expect that additional emission limiting regulations will be sufficient in all cases to provide for the full attainment and maintenance of the national standards for particulate matter. If additional control measures (e.g.: land use and transportation measures) are needed to provide for attainment and maintenance, beyond those submitted on July 1, 1977, such measures may be submitted no later than July 1, 1978.

The needed plan revisions should identify the nature and sources of emis-

sions within the applicable AQCR's and demonstrate how the adopted regulations will provide for the attainment and maintenance of the national standards. The plans should include a demonstration that emission increases that will result from projected growth of population, industrial activity, etc., will not cause the national standards to be violated. Compliance schedules for any source affected by any new or revised regulation must be submitted in accordance with the requirements of 40 CFR 51.15 (Compliance Schedules). The plan revisions should also indicate any additional resources needed to implement the control plans beyond those already provided for in the presently approved plan, along with the Commonwealth's commitment to provide additional manpower and money to implement the control measures. If responsibility for implementing any portion of the plan revisions is delegated to other State and/or local agencies, a description of the specific responsibility of each agency in implementing the plan shall be submitted. The plan revisions shall be submitted by the Commonwealth in accordance with the provisions of § 51.5, Public Hearings, and § 51.5, Submission of Plans, and otherwise fulfill the requirements of Part 51.

The existing statutory deadlines for primary standards remain in effect. The Commonwealth is, therefore, advised that the plan revision must provide for the attainment of primary standards as expeditiously as possible. The Commonwealth should indicate in its submittal the exact timetable for implementation of control measures that will assure that primary standards will be attained at the most expeditious date possible.

The Commonwealth is further advised that additional time can be provided for secondary standards, so long as such standards are attained within a reasonable time. The revised plan shall also indicate the date by which these standards will be attained.

The Commonwealth shall also indicate the timetable for implementation of control strategies required to maintain national standards. This timetable should be based on the Commonwealth's analysis of future air quality and expected growth in the Regions affected. The Commonwealth's analysis of future air quality should utilize growth projections and cover a period of time consistent with other ongoing areawide planning programs, particularly with the Environmental Protection Agency's Areawide Water Quality Management Planning Program. In the Pennsylvania Portion of the Metropolitan Philadelphia Interstate AQCR this would require close coordination with the Delaware Valley Regional Planning Commission. In the Southwest Pennsylvania Intrastate AQCR this would require close coordination with the Southwest Pennsylvania Regional Planning Commission. In both cases an analysis of air quality up to at least the year 2000 is required. Planning coordination and analysis periods in other AQCR's should reflect decisions currently being

made concerning State Water Quality Management Planning. To assure consistency with other areawide planning programs and to provide for public participation in the air planning process, consideration should be given to an apportionment of the planning effort between the cognizant State and the areawide planning agency.

REFERRAL TO SUBPART D OF 40 CFR PART 51

Finally, the Commonwealth is advised to refer to Subpart D of 40 CFR Part 51, Requirements for the Preparation, Adoption and Submittal of State Implementation Plans, as promulgated on May 3, 1976 (41 FR 18382). Subpart D summarizes all requirements that the Common-

wealth must meet in developing needed attainment and/or maintenance plans.

CALLS FOR REVISIONS TO 40 CFR PART 52

Since the original approval of the Pennsylvania State Implementation Plan, the Administrator, in several separate actions, has disapproved a number of sections of the Pennsylvania Plan dealing with a variety of subjects. The Regional Administrator feels that this is an appropriate time to list these deficiencies and advise the Commonwealth that these should be corrected as expeditiously as possible. Each deficient section will be listed, a brief description given of the nature of the Section's inadequacy and the date and FEDERAL REGISTER citation and disapproval date noted.

Sec.	Description	Citation	Date
52.2024	General requirements..... Confidentiality of emissions data.....	30 F.R. 34533 40 F.R. 55326	Sept. 26, 1974 Nov. 28, 1975
52.2025	Legal authority..... Confidentiality of emissions data—city of Philadelphia.	40 F.R. 55326	Do.
52.2029	Air quality surveillance..... Minimum air monitoring requirements not met.	37 F.R. 10842	May 31, 1972
52.2031	Resources..... Manpower requirements not consistent with projected workload.	37 F.R. 10842 38 F.R. 16550	Do. June 22, 1973
52.2052	Review of new sources and modifications..... Indirect sources.....	39 F.R. 7270	Feb. 25, 1974

A number of these required revisions to Part 52 are relatively minor in nature and are not indicative of deficiencies in the Commonwealth's overall activities in the various programs.

LETTER OF INTENT

The Governor shall submit, within 60 days of the date of this Notice, a letter of intent to the Regional Administrator, EPA, Region III, which identifies the various action steps (along with target dates for completion) which the Commonwealth will take to develop the plan revision in accordance with the requirements set forth in this notice. The Commonwealth must also identify the agencies that have been given responsibility to prepare the plan revision. Failure by the Commonwealth to submit a letter of intent within the allotted 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the Commonwealth. In this case, EPA will begin to develop for promulgation a federal plan to attain and maintain national standards.

All of the currently applicable plan remains in effect until the plan revision is submitted by the Commonwealth to EPA and is approved by EPA or until EPA promulgates substitute (or additional) regulations.

LEGAL AUTHORITY AND PUBLIC COMMENT

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon a technical finding of the Regional Administrator which clearly shows that the applicable control strategies are inadequate and need to be revised. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on all proposed revisions will be provided. If the Commonwealth develops its own re-

visions and submits them to EPA, public hearings will be required at the state level and EPA will provide opportunity for written comments prior to taking action on the submission; if EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the Commonwealth has held no hearing on the revisions, will provide opportunity for a public hearing.

(Sec. 110(a)(2)(H) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(H)) and sec. 110(c) of the Clean Air Act, as amended, (42 U.S.C. 1857c-5(c)).)

Dated: June 30, 1976.

A. R. MORRIS,
Acting Regional Administrator,
Region III, Environmental
Protection Agency.

[FR Doc.19922 Filed 7-12-76;8:45 am]

[FRL-581-1; OPP-50209/50210/50211]

AGRICULTURE DEPARTMENT, ET AL.

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. 135), experimental use permits have been issued to the following applicants. 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.

No. 11812-EUP-17. U.S. Department of Agriculture, Hyattsville, Maryland 20782. This experimental use permit allows the use of 36.8 pounds of the insecticide acephate on forest land to evaluate control of Gypsy Moth larvae. A total of 24 acres is involved; the program is authorized only in Clinton

County, Pennsylvania. The experimental use permit is effective from June 4, 1976, to June 4, 1977.

No. 11312-EUP-19. U.S. Department of Agriculture, Hyattsville, Maryland 20782. This experimental use permit allows the use of 32 pounds of the insecticide carbaryl on forest land to evaluate control of Gypsy Moth larvae. A total of 24 acres is involved; the program is authorized only in Clinton County, Pennsylvania. The experimental use permit is effective from June 4, 1976, to June 4, 1977.

No. 6704-EUP-9. U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. This experimental use permit allows the use of 6 pounds of the bird repellent methiocarb for hopper-box seed treatment for protecting sprouting corn from pheasants. A total of approximately 36 acres is involved; the program is authorized only in the States of Iowa and North Dakota. The experimental use permit is effective from June 8, 1976, to June 8, 1977. A permanent tolerance for residues of the active ingredient in or on corn has been established (40 CFR 180.320).

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: July 6, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-20205 Filed 7-12-76; 8:45 am]

[FRL 580-4]

COMMONWEALTH OF PUERTO RICO IMPLEMENTATION PLAN

Required Revision

The Regional Administrator of EPA Region II is issuing this notice to inform the Commonwealth of Puerto Rico and the public that portions of the Commonwealth Implementation Plan are substantially inadequate to provide for the attainment and maintenance of the primary and secondary national ambient air quality standards. Pursuant to the provisions of the Clean Air Act, the Regional Administrator is requiring that the Commonwealth of Puerto Rico submit a revision of the plan to correct the identified inadequacies. The Governor has been notified of this matter in a letter dated June 30, 1976.

On May 31, 1972 (37 FR 10880) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of EPA approved in its entirety the Commonwealth's control strategy which provided for attainment and maintenance of the national ambient air quality standards. On March 8, 1973 (38 FR 6279) all implementation plans were partially disapproved because it was determined that they did not contain adequate provisions

for the maintenance of national standards.

The Administrator, on June 18, 1973 (38 FR 15834) and May 8, 1974 (39 FR 16343), amended 40 CFR 51.12 to require, in part, that implementation plans identify by May 10, 1974 areas which may have the potential for exceeding any national standard within the next 10-year period. By June 18, 1975 the states were required to submit an analysis of the impact on air quality of emissions from projected growth in each potential problem area designated by the Administrator. Where maintenance problems were identified by analysis, the States also were requested to submit plans containing control measures to ensure maintenance of national standards during the ensuing 10-year period. These areas were identified by the Administrator on April 29, 1975 (40 FR 18737).

On June 19, 1975 (40 FR 25814) the Administrator once again amended 40 CFR 51.12 regarding the maintenance of standards. The action rescinded the June 18, 1975 date for submittal of analyses and plans to ensure maintenance of standards in Air Quality Maintenance Areas (AQMAS). Instead, it indicated that the Administrator would specify individual submission schedules for each identified AQMA. On May 3, 1976 (41 FR 18382) the Administrator established in subpart D of 40 CFR 51 procedures for the analysis and plan revision required for AQMAS. The regulations authorized the Regional Administrator to require the Commonwealth to follow these procedures to provide for the attainment and maintenance in areas other than the designated AQMAS.

A purpose of this notice is to set forth the schedules which shall be followed regarding the revision of the Commonwealth of Puerto Rico Plan. This call for revision of the Commonwealth's Implementation Plan is based on:

(1) Analyses performed pursuant to Volume 1 of the Guidelines for Air Qual-

ity Maintenance Planning and Analysis entitled, "Designation of Air Quality Maintenance Areas." These analyses identified geographic areas which have the potential of exceeding standards within the next 10-year period.

(2) Air quality data submitted by the Commonwealth of Puerto Rico in fulfillment of the requirements contained in 40 CFR 51.7 which show the extent standards are being contravened. These data are on file in the EPA National Aerometric Data Bank and upon written request will be made available for inspection at EPA, Region II, Air Branch, Room 908, 26 Federal Plaza, New York, New York 10007.

(3) An evaluation of the compliance status of air pollution sources with regard to the existing Puerto Rico Implementation Plan requirements.

(4) Conclusions and recommendations contained in a preliminary technical report developed by an EPA consultant entitled, "Puerto Rico Air Quality Maintenance Planning and Analysis." This report is available for inspection at EPA, Region II, Air Branch, Room 908, 26 Federal Plaza, New York, N.Y. 10007; and the Public Information Reference Unit, EPA, Waterside Mall, 4th & M Streets, S.W., Washington, D.C. 20460. Copies of this technical report also are available to the Puerto Rico Environmental Quality Board and to other local government agencies.

Detailed discussions of the bases for required revisions in the Puerto Rico Air Quality Control Region are presented in the following sections. A schedule for appropriate Commonwealth revision actions appears at the end of this notice.

PUERTO RICO AQCR

The Puerto Rico AQCR is comprised of the entire Commonwealth of Puerto Rico. There are twelve AQMAS in the AQCR. The municipalities comprising the AQMAS and the pollutants for which they are designated are as follows:

AQMA	Municipalities	Pollutants
Ponce	Ponce, Juana Diaz, Villalba	Particulate matter, sulfur oxides.
San Juan	San Juan, Bayamon, Rio Grande, Carolina, Catano, Guaynabo, Loiza, Toa Baja, Trujillo Alto	Do.
Caguas	Caguas, Gurabo, San Lorenzo	Particulate matter.
Mayaguez	Mayaguez, Hormigueros, Anasco	Do.
Guanica	Guanica	Sulfur oxides.
Dorado	Dorado	Do.
Guayanilla-Penuelas	Guayanilla, Penuelas	Particulate matter, sulfur oxides.
Lares-Utuado-Adjuntas	Lares, Utuado, Adjuntas	Do.
Agundilla	Agundilla	Do.
Arecibo-Barceloneta	Arecibo, Barceloneta	Do.
Guayama	Guayama	Do.
Yabucoa	Yabucoa	Do.

For the pollutants and geographic areas specified below, the Region II Administrator finds that the approved Puerto Rico Implementation Plan is substantially inadequate to provide for attainment and/or maintenance of air quality standards.

Particulate matter

In the approved Commonwealth Implementation Plan, the latest date by which the standards for particulate mat-

ter were to be attained was April 1975 (37 FR 10905).

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment of the primary and secondary air quality standards in the following municipalities: Catano, Bayamon, Guayanilla, Guaynabo, Ponce, Toa Baja, San Juan and Dorado. This finding is based, in part, on air quality data from the following air monitoring sites:

TOTAL SUSPENDED PARTICULATES, 1975 ANNUAL GEOMETRIC MEAN ($\mu\text{g}/\text{m}^3$)

Site:	Concentration
Catano	103
Bayamon	79
Guayanilla	89
Guaynabo	102
Ponce	82
Toa Baja	85
San Juan	91
Dorado	77

¹ Predicted ambient air quality from the results of dispersion modeling.

In order to provide for attainment of standards in the eight municipalities specified, the Regional Office recommends for consideration the imposition of more stringent particulate matter emission limitations on industrial sources such as asphalt plants, concrete plants, grain handling, quarries, and sand and gravel operations. The establishment of emission limitations on oil-fired stationary combustion sources is also recommended.

In an attempt to further identify the reasons and extent of the non-attainment problem a study entitled, "Puerto Rico Air Quality Maintenance Planning and Analysis," which will include computer-assisted mathematical modeling, is currently being performed by an EPA consultant. The results of this study will be available by September 1976.

At the present time, the extent of the air quality maintenance problems in the Municipality of Dorado and in the ten AQMAs designated for particulate matter has not been determined. In an attempt to resolve this situation, the above mentioned study will be used to determine the extent of maintenance problems within these areas. This will assist the Commonwealth of Puerto Rico and the Regional Office identify the types of control strategies needed to provide for maintenance of the primary and secondary standards.

Sulfur oxides

The Regional Office finds that the approved plan is substantially inadequate to provide for maintenance of the primary and secondary air quality standards for ten AQMAs which were identified for sulfur oxides. An approach identical to that described in the preceding section with regard to particulate matter maintenance planning will be applied to sulfur oxides maintenance planning.

REQUIRED COMMONWEALTH ACTIONS

Attainment and maintenance

To correct deficiencies in the Commonwealth of Puerto Rico Implementation Plan relating to the attainment of primary and secondary standards, the Regional Administrator is requiring the Commonwealth to prepare plan revisions by July 1, 1977 for Municipalities of Catano, Bayamon, Guayanilla, Guaynabo, Ponce, Toa Baja, San Juan and Dorado. Where non-readily available control measures are necessary, such as those employing land use or transportation control, the plan revisions should be submitted by July 1, 1978.

The plan revisions must include a demonstration that the revised control strategy is adequate to attain the primary and secondary standards as expeditiously as practicable. They must also contain a demonstration that the revised control strategy is adequate to maintain standards once they are attained. For those pollutants and geographic areas which are included in Air Quality Maintenance Areas, the demonstration of plan adequacy to maintain standards shall be provided according to the dates indicated below.

The Commonwealth shall prepare and submit maintenance analyses for all AQMAs by November 1, 1976 and plan revisions by October 1, 1977. In preparing the plans, the Commonwealth should evaluate the impact on air quality from projected growth. The plan revisions should also include a demonstration that the control strategy will maintain the primary and secondary standards for a period of at least ten years after attainment, or for ten years after approval of the plan revision for maintenance where attainment plan revisions are being required. These required plan revisions must be prepared in accordance with the detailed provisions of subparts A, B and D of 40 CFR 51.

LETTER OF INTENT

The Governor shall submit, within 60 days of this notice, a letter on intent to the Regional Administrator, EPA, Region II which identifies the various action steps (along with target dates for completion) which the Commonwealth will take to develop the plan revision in accordance with the requirements set forth in this notice. The Commonwealth must also identify in the letter the agencies that have been given responsibility to prepare the plan revision. Failure by the Commonwealth to submit a letter of intent within the allotted 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the Commonwealth. In this case, EPA will begin to develop for promulgation a Federal plan to attain and maintain national standards.

All provisions of the presently approved implementation plan remain in effect until the plan revision is submitted by the Commonwealth to EPA and is approved by EPA or until EPA takes corrective action.

LEGAL AUTHORITY AND PUBLIC COMMENT

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon findings of the Regional Administrator that control strategies are substantially inadequate and need to be revised. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments,

and if the Commonwealth held no hearing on the revisions, will provide opportunity for a public hearing. Authority: Section 110(a)(2)(H) of the Clean Air Act, as amended 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Date: July 1, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-20210 Filed 7-12-76; 8:45 am]

[FRL 580-8; OPP-33000/434 & 435]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Notice of Receipt of Application for Pesticide Registration

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 Street, 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 within 60 days of publication of this notice. 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 12, 1976.

Dated: July 6, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/434)

- EPA Reg. No. 4581-261. Agchem Div., Pennwalt Corp., 2901 Taylor Way, Takoma WA 98401. ZIRAM TECHNICAL. Active Ingredients: Ziram (Zinc dimethyldithiocarbamate) 98%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
- EPA File Symbol 264-EOI. 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. Application for reregistration. PM23
- EPA Reg. No. 264-2. Amchem Products, Inc. WEEDAR 64 BROAD LEAF HERBICIDE. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 551-112. Baird & McGuire, Inc., South St., Holbrook MA 02343. 4D AMINE WEED KILLER. Active Ingredients: Mixed Ethanolamine Salts of 2,4-Dichlorophenoxyacetic Acid 57.67%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 904-210. B. G. Pratt Div., Gabriel Chemical, Ltd., 204 21st Ave., Paterson NJ 07509. PRATT ANIMAL REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11
- EPA Reg. No. 802-517. The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland OR 97218. LV 2,4-D ESTER FOUR BP. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxypropyl Esters 72.52%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 802-426. The Chas. H. Lilly Co. MILLERS SYSTEMIC ROSE, SHRUB & FLOWER CARE. Active Ingredients: O,O-Diethyl S-[2-(ethylthio) ethyl] Phosphorodithioate 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15
- EPA Reg. No. 677-105. Diamond Shamrock Corp., Agricultural Chemicals Div., Union Commerce Bldg., Cleveland OH 44114. CROP RIDER 2.67D WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic Acid 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA REG. No. 677-120. Diamond Shamrock Corp. CROP RIDER 3.34D WEED KILLER. Active Ingredients: Isopropyl Ester of 2,4-Dichlorophenoxyacetic Acid 46.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 677-294. Diamond Shamrock Corp. BUTYL 4D WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic Acid 56.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 464-347. Dow Chemical Co., PO Box 1706, Midland MI 48640. ESTERON 6E HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Isooctyl Esters 94.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 3770-206. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. 50% METHOXYCHLOR INSECTICIDE WETTABLE POWDER. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA Reg. No. 1471-86. Elanco Products Co., PO Box 1750, Indianapolis IN 46206. TREFLIAN 5G. Active Ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Delayed incorporation. PM13
- EPA Reg. No. 1990-289. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. CO-OP WEED-OUT. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 73.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 358-105. Nott Co., Pleasant Valley NY 12569. CHEW-NOT. Active Ingredients: Thiram (Tetramethylthiuram Disulfide) 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11
- EPA Reg. No. 1202-273. PureGro Co., 1052 W. Sixth St., Los Angeles CA 90017. BOTRAN 6 DUST. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
- EPA File Symbol 359-AIR. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. RHODIA 2,4-D AMINE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15
- EPA Reg. No. 2125-41. Science Products Co., Inc., 5801 N. Tripp Ave., Chicago IL 60646. SCIENCE RABBIT AND DEER REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11
- EPA Reg. No. 4185-521. Smith-Douglass, Div. of Borden Chemical, Borden, Inc., PO Box 419, Norfolk VA 23501. 2% METHOMYL INSECTICIDE DUST. Active Ingredients: S-methyl-N-(methylcarbamoyl)oxy thioacetimidate 2%. Method of Support: Application proceeds under 2(b) of the interim policy. Application for reregistration. PM12
- EPA Reg. No. 3743-140. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. ROYAL BRAND FERBAM DUST. Active Ingredients: Ferbam [Ferric Dimethyldithiocarbamate] 11.30%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
- EPA Reg. No. 3743-203. Southern Agricultural Chemicals, Inc. 76 W FERBAM FUNGICIDE. Active Ingredients: Ferbam (Ferric dimethyldithiocarbamate) 76%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
- EPA Reg. No. 3743-252. Southern Agricultural Chemicals, Inc. 2% METHOMYL INSECTICIDE DUST. Active Ingredients: Methomyl S-methyl-N-(methylcarbamoyl)oxy thioacetimidate 2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12
- EPA Reg. No. 449-235. Techne Corp., St. Joseph MO 64502. TECHNE LAWN WEED KILLER GRANULES. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, isooctyl (2-ethylhexyl) ester 30.12%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 148-241. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 63110. DED-WEED LV-69. 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. 163-334. Wasatch Chemical Div., 1979 S. Sixth West, PO Box 6219, Salt Lake City UT 84106. ROSE FOOD PLUS SYSTEMIC INSECTICIDE 16-16-8. Active Ingredients: O,O-diethyl S-[2-(ethylthio) ethyl] phosphorodithioate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15
- EPA Reg. No. 1386-477. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO GARDEN WEED KILLER GRANULES CONTAINS DACTHAL HERBICIDE. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 279-2518. FMC Corp., Agricultural Chemicals Div., 100 Niagara St., Middleport NY 14105. BOTRAN 6 SULFUR 25

DUST FUNGICIDE. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6.00%; Sulphur 25.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 279-1935. FMC Corp. Captan 5 THIODAN 2 DUST FUNGICIDE-INSECTICIDE. Active Ingredients: Captan; N-(Trichloromethyl)thio]-4-cyclohexene-1,2-dicarboximide 5.00%; Endosulfan; Hexachlorocyclohexane-2,4,4,3-benzodioxathiepin oxide 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

EPA Reg. No. 1327-38. Fuller System, Inc., 226 Washington St., Woburn MA 01801. FULEX DITHIO INSECTICIDAL SMOKE CONTAINS SULFOTEPP. Active Ingredients: O,O,O,O-Tetraethyl-Dithiopyrophosphate 14%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 961-291. Lebanon Chemical Corp., The Bishop Co. Div., PO Box 180, Lebanon PA 17042. GREENVIEW IMPROVED TWO-WAY WINTER GREEN. Active Ingredients: 2,4-dichlorophenoxyacetic acid 0.98%; 2-(2-methyl-4-chlorophenoxy)propionic acid 0.98%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-298. Lebanon Chemical Corp. GREENVIEW MODERN TWO-WAY GREEN POWER. Active Ingredients: 2,4-dichlorophenoxyacetic acid 1.15%; 2-(2-methyl-4-chlorophenoxy)propionic acid 1.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1769-167. National Chemsearch, Div. of Usachem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH STEM-AX. Active Ingredients: O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate 2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

APPLICATIONS RECEIVED (OPP-33000/435)

EPA File Symbol 8590-UAG. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse, N.Y. 13201. AGWAY SUPER FOGGER. 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. Republished: Revised offer to pay statement submitted. PM17

EPA Region No. 8590-59. Agway, Inc. AGWAY METHOXYCHLOR 5D. Active Ingredients: Methoxychlor, technical 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 264-230. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. AMCHEM EMULSAVERT D. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 9.1%; N,N-Dimethylethylamine salt of 2,4-dichlorophenoxyacetic acid 34.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4-172. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. CHICKWEED & CLOVER KILLER W/BANVEL "D". Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 13.0%; dimethylamine salt of related acids 2.1%; Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 271-GR. Commercial Solvents Corp., 1331 S. First St., PO Box 420, Terre Haute IN 47808. CSC BIOBAN CS-1135. Active Ingredients: 4,4-Dimethyl-1-oxa-3-azacyclopentane 76%; 3,4,4-Trimethyl-1-oxa-3-azacyclopentane 2%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 677-239. Diamond Shamrock Corp., Agricultural Chemical Div., 1100 Superior Ave., Cleveland OH 44114. TRAILWAY 4D WEED KILLER. Active Ingredients: N-Oleoyl-1,3-propylenediamine salt of 2,4-Dichlorophenoxyacetic Acid 57.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 677-137. Diamond Shamrock Corp. CROP RIDER 20% AQUA GRANULAR WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 30.17%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 677-21. Diamond Shamrock Corp., Agricultural Chemicals Div., Union Commerce Bldg., Cleveland OH 44114. CROP RIDER 6D-OS WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic Acid 78.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 464-187. Dow Chemical Co., PO Box 1706, Midland MI 48640. ESTERON FOUR. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 72.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 464-1. Dow Chemical Co. DOW FORMULA 40 HERBICIDE. Active Ingredients: Alkanolamine Salts (of the Ethanol and Isopropanol series) of 2,4-Dichlorophenoxyacetic acid 59.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 39127-R. Langenwaller-Harris, 5411 E. La Palma, Anaheim CA 92806. LH-37. 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 39127-G. Langenwaller-Harris. LH-99. 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. 1767-48. The Parrott Chemical Co., 16 Sunnyside Ave., Stamford CT 06902. LUCKY STRIKE METHACINE WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 19.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228-126. Riverdale Chemical Co., 220 E. 17th St., Chicago Heights IL 60411. RIVERDALE ISOCTYL ESTER OF 2,4-D. TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 98.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4185-155. Smith-Douglass, Div. of Borden Chemical, Borden, Inc., PO Box 419, Norfolk VA 23501. SMITH-DOUGLASS 2,4-D 4# BUTYL ESTER WEED KILLER. Active Ingredients: Butyl-ester of 2,4-Di-

chlorophenoxyacetic acid 56.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6720-205. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP STANDARD 2,4-D AMINE. 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 1063-REE. Valley Chemical Co., PO Box 1317, Greenville MS. EFN-MP NO. 33. Active Ingredients: O-Ethyl O-(p-Nitrophenyl) Phenyl Phosphonothioate 31.68%; O,O-Dimethyl O-p-Nitrophenyl Thiophosphate 31.68%; Aromatic Petroleum Solvent 26.28%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 10562-RU. Vasco Chemical Co., Inc., PO Box 238, 613 W. 6th St., Hanford CA 93230. VASCO SWEET-N-CLEAN. 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

[FR Doc. 76-20206 Filed 7-12-76; 8:45 am]

[FRL 580-7; OPP-33000/432 & 433]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Notice of Receipt of Application for Pesticide Registration

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 effected 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 within 60 days of publication of this notice. 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 within 30 days subsequent to publication of this notice.

Dated: July 6, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP-33000/432)

EPA Reg. No. 241-228. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. THIMET SOIL AND SYSTEMIC INSECTICIDE + 11-48-0 FERTILIZER. Active Ingredients: Phorate (O,O-diethyl S-[(ethylthio)methyl] phosphorodithioate) 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration: PM16

EPA Reg. No. 241-197. American Cyanamid Co. THIMET SOIL AND SYSTEMIC INSECTICIDE + 8-32-16 FERTILIZER. Active Ingredients: Phorate (O,O-diethyl S-[(ethylthio)methyl] phosphorodithioate)

0.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration: PM16

EPA Reg. No. 4206-4. The Barcolene Co., Holbrook MA 02343. BACTERIOSTATIC SUN SOFT CONCENTRATED FABRIC SOFTENER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.8%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethyl Benzyl Ammonium Chlorides 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 4-46. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. DIOWEED DUST WEED KILLER. Active Ingredients: Monohydrated Sodium Salt of 2,4-Dichlorophenoxyacetic Acid 5.98%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration: PM23

EPA File Symbol 7299-RT. The Brenco Corp., 704 N. First St., St. Louis MO 63102. BRENCO NO. 573. Active Ingredients: Didecyl dimethyl ammonium chloride 16.4%; Isopropyl alcohol 6.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1130-RR. Burnishine Products, Inc., 8140 N. Ridgeway, Skokie IL 60076. BURNISHINE NO. 20. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7517-RE. Calusa Chemical Co., 801 E. Macy St., Los Angeles CA 90012. DIASOF PN. Active Ingredients: 5-Chloro-2-(2,4-dichlorophenoxy) phenol 1.50%; n-Alkyl (60% C14, 30% C16, 50% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.75%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 1022-UIO. Chapman Chemical Co., PO Box 9158, Memphis TN 38109. PQ-56. Active Ingredients: Copper 8-quinolinate 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 9663-EE. Crystal Manufacturing Corp., 1525 N. Post Oak Rd., Houston, TX 77055. CRYSTHYON 2-L. Active Ingredients: O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl] phosphorodithioate 22.2%; Aromatic Petroleum Distillate 45.8%; Cyclonexanone 25.0%. Method of Support: Change from 2(c) to 2(b) of interim policy. PM12

EPA File Symbol 39103-R. Environmental Chemical Products, Inc., 868 Middlesex St., Lowell MA 01851. ECP QUAT DISINFECTANT CLEANER. 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%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7245-RG. Hi-Brett Chemical Co., Inc., 1697 Elizabeth Ave., Rahway NJ 07065. FORMULA 8732. 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 Reg. No. 407-359. Imperial, Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL RABON LIVESTOCK DUST. Active Ingredients: 2-chloro-1-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished. New use. PM15

EPA Reg. No. 2693-88. International Paint Co., Morris & Elmwood Aves., PO Box 386, Union NJ 07083. INTERLUX OUTBOARD/OUTDRIVE ANTIFOULING PAINT. Active Ingredients: Tributyltin Fluoride 5.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration: PM24

EPA File Symbol 13019-T. Laun-Dry Supply Co., PO Box 128, El Paso TX 79941. HIQUAT DISINFECTANT CLEANER 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 38053-R. Leo Industry, Inc., 1750 W. 75th Pl., Chicago IL 60620. LEO QUAT DISINFECTANT. 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. 1719-33. Mobile Paint Manufacturing Co., Inc., PO Box 2567, Mobile AL 36601. JACK TAR MO-TIN VINYL BLUE ANTI-FOULING 473-31. Active Ingredients: Tributyltin Fluoride 11.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration: PM24

EPA Reg. No. 1553-95. Momar, Inc., PO Box 19567, Atlanta GA 30301. MOMAR ARREST. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine Tetraacetic acid 2.3%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 538-28. O. M. Scott & Sons, Marysville OH 43040. SCOTTS TURF BUILDER PLUS 2 BRAND. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 0.95%; 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.95%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. Application for reregistration: PM23

EPA File Symbol 335-ERL. Pennwalt Corp., Pennswim Dept., Three Parkway, Philadelphia PA 19102. CALCIUM HYPOCHLORITE. Active Ingredients: Calcium Hypochlorite 65%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 335-ERO. Pennwalt Corp. PREMKO-STAT LIQUID BACTERIOSTATIC FABRIC SOFTENER. Active Ingredients: 5-Chloro-2-(2,4-Dichlorophenoxy) Phenol 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 655-UOI. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. DIAZINON 55% DUST. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyridinyl) phosphorothioate 55.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 602-EAE. Ralston Purina Co., Checkerboard Square, St. Louis MO 63188. PURINA FLY LARVICIDE (FEED 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 602-EAL. Ralston Purina Co. PURINA ORAL FLY LARVICIDE (FEED 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 602-EAU. Ralston Purina Co. PURINA ORAL LARVICIDE MINERAL BLOCK. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 6109-RL. ServiceMaster Industries, Inc., 2300 Warrenville Rd., Downers Grove IL 60515. SANISCRUB. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 4.5%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 4.5%; Tetrasodium Salt of Ethylene Diamine Tetraacetic Acid 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1022-UOE. Chapman Chemical Co., PO Box 9159, Memphis TN 38109. PQ-20. Active Ingredients: Copper 8-quinolinolate 3.75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 1022-UOG. Chapman Chemical Co. PQ-15. Active Ingredients: Copper 8-quinolinolate 1.38%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 1022-UON. Chapman Chemical Co. PQ-57. Active Ingredients: Copper 8-quinolinolate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

APPLICATIONS RECEIVED (OPP-33000/433)

EPA Reg. No. 275-18. Agricultural and Veterinary Products Div., Abbott Laboratories, North Chicago IL 60064. DIPEL BIOLOGICAL INSECTICIDE WETTABLE POWDER. Active Ingredients: Bacillus thuringiensis, Berliner, 18,000 International Units of Potency per mg. (at least 25 billion viable spores per g.) 3.2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 39055-R. Arizona Chemical Co., Wayne NJ 07470. ARIZOLE PINE OIL. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 4206-30. The Barcolene Co., 620 South St., Holbrook MA 02343. BARCOLENE SPRAY DISINFECTANT. Active Ingredients: O-Phenylphenol 0.109%; n-Soya-n-Ethyl Morpholinium Ethylsulfate 0.038%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.035%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 0.035%; Isopropanol 56.413%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 18972-G. Beaver Sales & Service, 2320 W. Meighan Blvd., Gadsden AL 35904. BEAVER PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 9.50%; Pine Oil 7.90%; Alkyl (C14 58%,

C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 15311-R. The Bond Chemical Co., Inc., 103 Pleasant Ave., Upper Saddle River NJ 07458. FORMULA #85L. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl benzyl ammonium chloride 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. 239-2418. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claim. PM16

EPA Reg. No. 239-353. Chevron Chemical Co. ISOTOX SEED TREATER (75). Active Ingredients: Gamma Isomer of Benzene Hexachloride 75%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 100-409. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA Reg. No. 100-528. Ciba-Geigy Corp. SPECTRUM SPECTRACIDE 6000 LAWN AND GARDEN INSECT CONTROL. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA Reg. No. 100-538. Ciba-Geigy Corp. SPECTRUM SPECTRACIDE GARDEN INSECT DUST. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 1273-LA. Delta Foremost Chemical Corp., 3915 Air Park St., Memphis TN 38130. DELTA FOREMOST SMOKE EATER. Active Ingredients: Isopropanol 20.00%; Propylene Glycol 15.00%; n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chloride 2.40%; Essential Oils 1.50%; Ethyl Alcohol 0.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 464-JEN. The Dow Chemical Co., PO Box 1706, Midland MI 48640. RUE-ENE F INSECTICIDE/PARASITICIDE. Active Ingredients: Crufomate (4-tert-butyl-2-chlorophenyl methyl methylophosphoramidate) 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 464-511. Dow Chemical Co. TETONE II. Active Ingredients: 1,3-Dichloropropene 32%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 1471-RNL. Elanco Products Co., Div. of Eli Lilly Co., PO Box 1750, Indianapolis IN 46206. SURFAN HERBICIDE. Active Ingredients: Orvadin (3,5-dinitro-N4,N4-dimethylsulfanilamide) 23.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 12130-ET. Farm Chemicals, Inc., Box 467, Aberdeen NC 28315. PARATHION PE. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphoro-

thioate) 80.74%; Xylene 9.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 279-2876. FMC Corp., Agricultural Chemical Div., 100 Niagra St., Middletown NY 14105. FURADAN 4 FLOWABLE. Active Ingredients: Carbofuran 40.64%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 4090-3. Gulf Oil Chemical, Div of Gulf Oil Corp., Box 1166, Pittsburgh PA 15230. CARBYNE THE POST-EMERGENCE-WILD OAT HERBICIDE. Active Ingredients: Barban (4-chloro-2-butynyl m-chlorocarbanilate) 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 4090-5. Gulf Oil Chemical. CARBYNE 2EC. Active Ingredients: Barban (4-chloro-2-butynyl m-chlorocarbanilate) 23.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5905-106. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA HORN FLY DUST. Active Ingredients: Methoxychlor, Technical 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for registration. PM13

EPA Reg. No. 402-64. Hill Manufacturing Co., Inc., 1500 Jonesboro Rd., SE Atlanta GA 30315. HI-BOWL SUPER CONCENTRATE. Active Ingredients: Hydrogen Chloride 23%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 14941-R. Katzson Brothers, 990 Vallejo St., Denver CO 80204. KAYBRO ALGAEICIDE. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 13019-RN. Lawn-Dry Supply Co., PO Box 128, El Paso TX. MINT ODOR DISINFECTANT CLEANER 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 13019-RG. Lawn-Dry Supply Co. HI LEMON DISINFECTANT, CLEANER DEODORANT. 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 13186-G. Maintenance Research Lab., 11940 Grand River, Detroit MI 48204. INDUSTRIAL WATER COOLING TOWER ALGAEICIDE VIKING MORE. 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 13186-E. Maintenance Research Lab. VIKING TRU QUAT. 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. 4823-16. Maintenance Supply Service Corp., PO Box 498, Huntersville NC 28078. NORTHWOODS PINE ODOR DIS-

- INFECTANT DEODORANT CLEANSER. Active Ingredients: Sodium Dodecylbenzenesulfonate 8.00%; Sodium o-benzyl-p-chlorophenolate 5.61%; o-benzyl-p-chlorophenol 4.38%. Tetrasodium ethylene-diamine tetraacetate 0.60%; Isopropyl Alcohol 10.00%; Pine oil 8.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM32
- EPA File Symbol 35948-R. Mid-State Chemicals, Inc., Canan Station, Altoona PA 16603. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34.
- EPA Reg. No. 524-311. Monsanto Co., Agricultural Products, 800 N. Lindbergh St., St. Louis MO 63166. POLARIS. Active Ingredients: Glyphosine 85.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM25
- EPA File Symbol 676-GO. National Laboratories, Lehn & Fink Industrial Product, Div. of Sterling Drug, Inc., 225 Summit Ave., Montvale NJ 07645. LF-100 COLD STERILIZING AND DISINFECTING SOLUTION. Active Ingredients: Hydrogen Peroxide 6.00%; Phosphoric acid 0.85%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33
- EPA Reg. No. 353-76. Nott Manufacturing Co., Inc., Pleasant Valley NY 12569. MILDEX FUNGICIDE SPRAY FOR POWDERY MILDEW. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 2.6-Dinitro-4-octyl phenyl crotonate 18.25%; Nitroocetyl phenol (principally dinitro) 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA Reg. No. 7001-211. Occidental Chemical Co., PO Box 183, Lathrop CA 95330. LINDANE BORER SPRAY. Active Ingredients: Lindane (Gamma isomer of benzene hexachloride) 20.0%; Xylene 67.6%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New uses. PM15
- EPA File Symbol 35938-G. Pittsburgh Water & Waste Co., PO Box 72, Sarver PA 16055. ECO-CIDE 15. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34
- EPA File Symbol 35938-E. Pittsburgh Water & Waste Co. ECO-CIDE 10. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34
- EPA File Symbol 35938-R. Pittsburgh Water & Waste Co. ECO-CIDE 30. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34
- EPA File Symbol 35938-A. Pittsburgh Water & Waste Co. ECO-CIDE 20. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34
- EPA Reg. No. 655-345. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. PRENTOX METHOXYCHLOR TECHNICAL 100%. Active Ingredients: Methoxychlor Technical 100%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 13
- EPA Reg. No. 655-359. Prentiss Drug & Chemical Co., Inc. PRENTOX 50% METHOXYCHLOR WETTABLE POWDER. Active Ingredients: Methoxychlor Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA Reg. 655-369. Prentiss Drug & Chemical Co., Inc. PRENTOX METHOXYCHLOR 50W. Active Ingredients: Methoxychlor Technical 50.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA Reg. No. 541-75. Puritan Chemical Co., P.O. Box 93247, Martech Station, Atlanta GA 30318. SPARKLE. Active Ingredients: Hydrogen Chloride 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM32
- EPA File Symbol 707-REL. Rohm & Haas Co., Independence Mall West, Philadelphia PA 19105. KATHON 886. Active Ingredients: 5-chloro-2-methyl-4-isothiazolin-3-one calcium chloride 55.0%; 2-methyl-4-isothiazolin-3-one calcium chloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33
- EPA Reg. No. 1159-170. Seacoast Laboratories, Inc., 257 Highway 18, Box 157, East Brunswick NJ 08816. TWIN LIGHT METHOXYCHLOR 50% WETTABLE POWDER. Active Ingredients: Methoxychlor, technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA File Symbol 38719-R. Rare and Specialty, Gases Dept., 575 Mountain Ave., Murray Hill NJ 07974. AIRCO STERILIZING GAS. Active Ingredients: Ethylene Oxide 10%; Carbon Dioxide Mixture 90%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
- EPA File Symbol 38719-E. Rare and Specialty. AIRCO STERILIZING GAS. Active Ingredients: Ethylene Oxide 20%; Carbon Dioxide Mixture 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
- EPA File Symbol 38719-G. Rare and Specialty. AIRCO STERILIZING GAS. Active Ingredients: Ethylene Oxide 12%; Dichlorodifluoromethane Mixture 88%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
- EPA File Symbol 30942-G. Scientific Boiler Water Conditioning Co., 1 Maple St., Lindon NJ 07036. ALGACIDE 701. 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 30942-U. Scientific Boiler Water Conditioning Co. ALGACIDE 703. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 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-GIO. Shell Chemical Co., 1025 Connecticut Ave., Suite 200, Washington DC 20036. BLADEX 80 WETTABLE POWDER HERBICIDE. 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. Republished: Revised offer to pay statement submitted. PM25
- EPA Reg. No. 829-46. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. SA BRAND 50 MARLATE DUST. Active Ingredients: Methoxychlor, Technical 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA File Symbol 17217-L. Spectrowax Corp., 77 Dorchester Ave., South Boston MA 02127. GRIME-ASIDE. 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 Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33
- EPA File Symbol 35931-R. Town & Country Pools, 3773 E. Morgan Rd., Ypsilanti MI 48197. HIGH-PO-CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34
- EPA Reg. No. 1386-494. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO 50% METHOXYCHLOR WETTABLE POWER. Active Ingredients: Methoxychlor, technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA Reg. No. 1386-531. Universal Cooperatives, Inc. UNICO 5% METHOXYCHLOR DUST. Active Ingredients: Methoxychlor technical 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13
- EPA File Symbol 1386-LOU. Universal Cooperatives, Inc. UNICO THIODAN 3 E.C. Active Ingredients: Endosulfan (Hexachloro-hexahydromethano-2,4,3-bendodioxathin oxide) 33.6%; Heavy Aromatic Naptha 69.7%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15
- EPA Reg. No. 10461-7. V.M.S. Inc., PO Box 406, Montgomery AL 36101. V.M.S. MINERAL MIX 6 WITH RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl vinyl dimethyl phosphate) 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use add-d. PM15
- EPA Reg. No. 7401-111. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTI-LOME WEED & FEED. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 0.36%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 7401-242. Voluntary Purchasing Groups, Inc., FERTI-LOME WEED KILLER PLUS LAWN FOOD. Active Ingredients: 2-(2-Methyl-4-chlorophenoxy)propionic acid 0.61%; 2,4-Dichlorophenoxyacetic acid 0.64%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 163-38. Wasatch Chemical Industries, PO Box 6210, Salt Lake City UT 84106. MILDU-CURE. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 2.6-Dinitro-4-octyl phenyl crotonate 2.28%; Nitroocetyl phenols (principally dinitro) 0.69%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 37648-L. Water Guard Div., Southern Industrial Sales Corp., PO Box 350, Wilson NC 27893. WATER GUARD #165. Active Ingredients: Dodecylguanidine hydrochloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 15265-R. Wausau Chemical Corp., 2001 North River Dr., Wausau WI 54401. ROLAR BRAND FORMULA NUMBER 34 IODINE SANITIZER. Active Ingredients: Nonylphenoxy-poly-Ethyleneoxy Ethanol Iodine Complex providing 1.75% Available Iodine 13.75%; Phosphoric Acid 8.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

[FR Doc.76-20208 Filed 7-12-76;8:45 am]

[FRL 581-1, OPP-42015A]

HAWAII

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each state desiring to certify applicators to submit a plan for its certification program. Any state certification program under this section shall be maintained in accordance with the state plan approved under this section.

On April 6, 1976, a notice was published in the FEDERAL REGISTER (41 FR 14592-14593) of the intent of the Regional Administrator, EPA, Region IX, to approve, on a contingency basis, the Hawaii Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Hawaii State Plan). Contingency approval was requested by the State of Hawaii pending promulgation of additional regulations implementing the legislation. Complete copies of the Hawaii plan were made available for public inspection at the Hawaii Department of Agriculture, Honolulu, Hawaii; EPA, Region IX Office, San Francisco, California; and the Office of Pesticide Programs, EPA, Washington, D.C.

No comments were received; therefore, the plan as it appeared in the FEDERAL REGISTER, April 6, 1976, will go unchanged.

It has been determined that the Hawaii plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the regulations described in the plan are promulgated by the Hawaii Department of Agriculture. Accordingly, the Hawaii plan is approved contingent upon this.

This contingency approval shall expire 12 months from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied and the approval status of the Hawaii plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedures

Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the 12 months contingency approval granted herein to the Hawaii plan shall be effective immediately. Neither the Hawaii plan itself nor this Agency's contingency approval of the plan creates any direct or immediate obligations on pesticide applicators or other persons in the State of Hawaii. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingency approval shall become effective immediately.

Date: June 9, 1976.

L. RUSSELL FREEMAN,
Acting Regional Administrator,
Region IX.

[FR Doc.76-20209 Filed 7-12-76;8:45 am]

[FRL 580-6; OPP-42016A]

MICHIGAN

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

On April 8, 1976, notice was published in the FEDERAL REGISTER (41 FR 14923) of the intent of the Regional Administrator, EPA Region V, to approve, on a contingency basis, the Michigan Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Michigan State Plan). Contingency approval was requested by the State of Michigan pending enactment of enabling legislation and the promulgation of implementing regulations. Complete copies of the Michigan State Plan were made available for public inspection at the Plant Industry Division, Michigan Department of Agriculture, Lansing, Michigan; Pesticides Branch, Air and Hazardous Materials Division, EPA Region V, Chicago and the Federal Register Section, Technical Services Division, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

Written comments were received only from the National Canners Association. These comments were carefully reviewed and evaluated by EPA and by the Michigan Department of Agriculture, which has been designated as the State lead agency responsible for implementing the Michigan State Plan.

The National Canners Association commented that, because pesticide applicator training is not required by the FIFRA, the proposed training budget of the Michigan Cooperative Extension Service should not be considered by EPA in its

assessment of the adequacy of funding to support the State plan. Because the State of Michigan plans to utilize training programs as an integral part of the pesticide applicator certification program to be implemented under the State plan, estimated funds for training were identified and included as an attachment to the State plan. However, the Agency assessed the proposed certification program only on the basis of funding data provided by the lead agency.

Concern was raised over the State's intention to require a certification fee for pesticide applicators and a provision to require commercial applicators who apply pesticides for hire to be certified to use or supervise the use of both general and restricted use pesticides. Section 4 of the amended FIFRA establishes a coordinated State/Federal program for certifying applicators with Section 4(a)(1) making EPA responsible for prescribing applicator certification standards. Section 4(a)(2) provides that if a State, at any time, desires to certify applicators of pesticides, the Governor shall submit a State plan for such purposes. Further, under Section 24 of FIFRA, the States are given a great deal of flexibility in developing their individual programs provided those programs meet the prescribed Federal standards. These comments received pertain to regulatory requirements proposed under Michigan's enabling legislation, but address an issue which is not germane to the acceptability of the Plan under Federal regulations. Therefore, the Agency has forwarded the comments to the Michigan Department of Agriculture for consideration.

Under the State plan, commercial applicators engaged in Agricultural Pest Control-Plant, are subcategorized into (1) field crops, (2) vegetable crops, and (3) fruit crops. The National Canners Association pointed out that none of the proposed subcategories include commercial applicators who apply pesticides on grasslands and noncrop agricultural areas. According to the lead agency, commercial pesticide applicators who apply pesticides to grasslands and noncrop agricultural areas, will be certified in an existing Agricultural Pest Control-Plant subcategory.

The Association objected strongly to any reference in the plan that implied establishment of credit as a requirement for certification; EPA and the Michigan Department of Agriculture agree and the reference to "plastic credit card" credentials will be deleted.

It has been determined that the Michigan State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if necessary enabling legislation is enacted and implementing regulations are promulgated. Accordingly, the Michigan State Plan is approved contingent upon enactment of enabling legislation and upon promulgation of implementing regulations in accordance with and as prescribed in the State plan.

This contingency approval shall expire twelve (12) months from its effective date, if these terms and conditions are not satisfied by that time. On or before

the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Michigan plan as a result thereof.

Effective date: Pursuant to Section 4 (d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the twelve months contingency approval granted herein to the Michigan plan shall be effective immediately. Neither the Michigan plan itself nor this Agency's contingency approval of the plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Michigan. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: June 10, 1976.

GEORGE R. ALEXANDER JR.,
Regional Administrator, U.S.
Environmental Protection
Agency, Region V.

[FR Doc. 76-20207 Filed 7-12-76; 8:45 am]

[FRL 580-5]

STATE OF NEW JERSEY IMPLEMENTATION PLAN

Required Revision

The Regional Administrator of EPA Region II is issuing this notice to inform the State of New Jersey and the public that portions of the State Implementation Plan are substantially inadequate to provide for the attainment and maintenance of the primary and secondary national ambient air quality standards. Pursuant to the provisions of the Clean Air Act, the Regional Administrator is requiring that the State of New Jersey submit a revision of the plan to correct the identified inadequacies. The Governor has been notified of this matter in a letter dated June 30, 1976.

On May 31, 1972 (37 FR 10880) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of EPA approved in its entirety the State's control strategy which provided for attainment and maintenance of the national ambient air quality standards. The Administrator noted in his approval that States were not required to submit transportation control strategies until February 15, 1973. Although the State of New Jersey expressed its intent to develop and submit such strategies by the required date, none were prepared. Therefore, on November 13, 1973 (38 FR 31388) the Administrator promulgated carbon monoxide and hydrocarbon control measures which were incorporated into the State's plan.

On March 8, 1973 (38 FR 6279) the New Jersey State Implementation Plan was partially disapproved because it was determined that it did not contain ade-

quate provisions for the maintenance of national standards. The Administrator, on June 18, 1973 (38 FR 15834) and May 8, 1974 (39 FR 16343), amended 40 CFR 51.12 to require, in part, that State Implementation Plans identify by May 10, 1974 areas which may have the potential for exceeding any national standard within the next 10-year period. By June 18, 1975, the States were required to submit an analysis of the impact on air quality of emissions from projected growth in each potential problem area designated by the Administrator. Where maintenance problems were identified, the States were to submit plans containing control measures to ensure maintenance of national standards during the ensuing 10-year period. These areas were identified by the Administrator on September 9, 1975 (40 FR 41951) and called Air Quality Maintenance Areas (AQ-MAs).

On June 19, 1975 (40 FR 25814) the Administrator once again amended 40 CFR 51.12 regarding the maintenance of national ambient air quality standards to rescind the June 18, 1975 date for submittal of analyses and maintenance plans, and to indicate that the Administrator would specify individual submission schedules for each identified AQMA. On May 3, 1976 (41 FR 18382) the Administrator established in subpart D of 40 CFR 51 procedures for the analyses and plan revisions required for AQMAs. The regulation authorized the Regional Administrator to require States to follow these procedures to provide for the attainment and maintenance in areas other than the designated AQMAs.

A purpose of this notice is to set forth the schedules which shall be followed regarding the revision of the Implementation Plan. This call for revision of the State's Implementation Plan is based on:

(1) Analyses performed pursuant to Volume 1 of the *Guidelines for Air Quality Maintenance Planning and Analysis* entitled, "Designation of Air Quality Maintenance Areas." These analyses identified geographic areas which have the potential of exceeding standards within the next 10-year period.

(2) Air quality data submitted by the State of New Jersey in fulfillment of the requirements contained in 40 CFR 51.7 which show the extent standards are being contravened. These data are on file in the EPA National Aerometric Data Bank and upon written request will be made available for inspection at EPA, Region II, Air Branch, Room 908, 26 Federal Plaza, New York, New York 10007.

(3) An evaluation of the compliance status of air pollution sources with regard to the existing State of New Jersey Implementation Plan requirements.

(4) Conclusions and recommendations contained in a technical report developed by the Regional Office entitled, "Evaluation of the Control Strategy for Attainment of National Standards for Total Suspended Particulates, New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR (043)." This report is available for inspection at EPA, Region II, Air Branch, Room 908, 26 Fed-

eral Plaza, New York, New York 10007; and the Public Information Reference Unit, EPA, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. 20460. Copies of this technical report also are available to the New Jersey Department of Environmental Protection and to appropriate local air pollution control agencies.

Detailed discussions of the bases for required revisions in each affected New Jersey Air Quality Control Region (AQCR) are presented in the following sections. A schedule for appropriate State revision actions appears at the end of this notice.

NEW JERSEY—NEW YORK—CONNECTICUT INTERSTATE AQCR (NEW JERSEY PORTION)

The New Jersey portion of the New Jersey—New York—Connecticut Interstate Air Quality Control Region (AQCR) is comprised of the counties of Passaic, Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex and Monmouth. The only AQMA in the Region, the New Jersey portion of the New Jersey—New York AQMA, is geographically coincident with the New Jersey portion of the AQCR.

For the geographic areas within the AQCR and pollutants specified below, the Region II Administrator finds that the New Jersey State Implementation Plan is substantially inadequate to provide for attainment and/or maintenance of national ambient air quality standards.

I. Particulate matter:

(A) Attainment of the primary standards in the City of Carteret.

(B) Attainment of the secondary standard in the New Jersey portion of the New Jersey—New York—Connecticut AQCR.

(C) Maintenance of the primary and secondary standards in the New Jersey portion of the New Jersey—New York AQMA.

II. Sulfur oxides:

(A) Maintenance of the primary and secondary standards for the following counties in the New Jersey portion of the New Jersey—New York AQMA: Essex, Union, Bergen, Passaic, Monmouth, Hudson and Middlesex.

III. Photochemical oxidants:

(A) Attainment of the primary and secondary standard in the New Jersey portion of the New Jersey—New York—Connecticut AQCR.

(B) Maintenance of the primary and secondary standard in the New Jersey portion of the New Jersey—New York AQMA.

IV. Carbon monoxide:

(A) Attainment and maintenance of the primary and secondary standards in the Central Business Districts of Jersey City, Morristown, Elizabeth and Somerville.

The reasons for these findings and suggestions for corrective action are discussed in detail for each pollutant in the following sections of this notice.

Particulate matter

In the presently approved State Implementation Plan, the latest date by which

the primary standards for particulate matter were to be attained is May 31, 1975 (38 FR 31392). No date was submitted for attainment of the secondary standard.

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment of the primary and secondary standards based on the conclusions presented in the Regional Office technical report entitled, "Evaluation of the Control Strategy for Attainment of National Standards for Total Suspended Particulate, New Jersey Portion of the New Jersey—New York—Connecticut Interstate AQCR (043)." The report documents a primary standard attainment problem requiring plan revision for the City of Carteret. A Carteret monitoring site contravened the primary standard in 1975 with an annual geometric mean concentration of total suspended particulates of 86 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The report also documents that a secondary standard attainment problem exists in the entire New Jersey portion of the AQCR. This finding is based, in part, on particulate matter concentrations at monitoring sites in Hackensack (Bergen County), Jersey City (Hudson County), Middlesex (Middlesex County) and Roselle (Union County) which contravened the secondary standard in 1975.

At the present time, the reasons for non-attainment of the primary standard in Carteret have not been fully determined, but fugitive dust from unpaved roadways in the vicinity of the monitoring site contributes significantly to the elevated particulate matter concentrations. However, the State believes that data from the Carteret site need further validation and has undertaken a special study to determine their accuracy. The reasons for non-attainment of the secondary standard in the AQCR also have not been determined. In an attempt to resolve these questions, a program is presently under way to prepare a complete emissions inventory.

In addition, two studies are being conducted for the purposes of determining which sources are contributing to non-attainment of standards. The first study is being performed by the Interstate Sanitation Commission entitled, "Control of Suspended Particulates," EPA Grant No. S802496. The results of this study will become available by September 1976. The second study entitled, "Verification and Update of the Emission Inventory and Projections of the New Jersey—New York Interstate AQMA and Mid-Hudson AQMA," has not yet been started; efforts are currently underway to select a contractor. The results of this study will become available by March 1977.

As these studies are completed, the Regional Office and the State of New Jersey will be able to identify the types of control strategies needed to provide for attainment of the primary and secondary national air quality standards for par-

ticulate matter in the City of Carteret and the secondary standard throughout the rest of the AQCR.

The entire New Jersey portion of the New Jersey—New York—Connecticut AQCR was designated as an AQMA for particulate matter. At the present time, the extent of the air quality maintenance problem has not been determined. In an attempt to resolve this situation, the above mentioned verification study will evaluate the emission inventory for the AQMA and proceed with computer-assisted mathematical modeling for the purpose of determining more precisely the extent of the problem within the AQMA. When this program is completed, the Regional Office and the State of New Jersey will be able to identify the types of control strategies needed to provide for maintenance of the primary and secondary standards for particulate matter in the New Jersey portion of the New Jersey—New York Interstate AQMA. Rather than wait for the completion of the analysis, however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies of the State of New Jersey may begin the process of developing the plan revision.

Sulfur oxides

At the present time, the extent of the air quality maintenance problem has not been fully determined. In an attempt to resolve this situation, a program is presently under way to prepare a complete emission inventory. Another effort, "Verification and Update of the Emission Inventory and Projections for the New Jersey—New York Interstate AQMA and Mid-Hudson AQMA," noted in the discussion of particulate matter for this AQCR, will proceed with computer-assisted mathematical modeling for the purpose of determining more precisely the extent of the problem within the following counties of the AQMA; Essex, Union, Bergen, Passaic, Monmouth, Hudson and Middlesex. When this program is completed, the Regional Office and the State of New Jersey will be able to identify the types of control strategies needed to provide for maintenance of the primary and secondary national standards for sulfur dioxide in the New Jersey—New York Interstate AQMA.

Photochemical oxidants

In the presently approved State Implementation Plan, the latest date by which the primary and secondary standard for photochemical oxidants is to be attained in the AQCR is May 31, 1977 (38 FR 31392).

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment and maintenance of the primary and secondary standard throughout the AQCR. This is based, in part, on air quality data reports submitted by the State which document substantial attainment problems at the following monitoring sites:

Photochemical oxidants (ozone), 1975

Site	2nd maximum 1-h average concentration (micrograms per cubic meter)	Number of hour standard of 160 $\mu\text{g}/\text{m}^3$ was exceeded
Bayonne.....	357	180
Asbury Park.....	351	104
Somerville.....	298	177
Sandy Hook.....	588	379
Chester.....	500	372

In order to provide for the attainment and maintenance of the standard for photochemical oxidants in the AQCR, the Regional Office recommends that the existing control strategy for hydrocarbon emissions be revised and expanded in the areas of stationary source control and transportation control measures. The following measures are recommended for consideration:

STATIONARY SOURCE CONTROL MEASURES

1. Vapor Controls for Organic Solvents;
2. Petroleum Refinery, Chemical Plant and Other Industry Controls; and
3. Vapor Controls for Gasoline Marketing.

TRANSPORTATION MEASURES

1. Phase III Inspection/Maintenance Program;
2. Transit Improvements;
3. Heavy Duty Vehicle Inspection/Maintenance Program;
4. Heavy Duty Vehicle Retrofits;
5. Employer Incentives (e.g., Carpool and Vanpool Programs);
6. Traffic Management/Restrictions;
7. Preferential Bus and Carpool Requirements; and
8. Land Use Measures.

In an attempt to assist the State in revising the existing plan, the Regional Office will continue to participate in the Moodus Conference, a cooperative interstate effort designed to develop and implement uniform hydrocarbon controls throughout the Northeast. The Regional Office has also undertaken the development of a complete inventory of hydrocarbon sources in the AQCR and their associated emissions. The results of this inventory will become available by January 1977.

In order to determine the reduction in hydrocarbon emissions required to attain the standard for photochemical oxidants, the Regional Office recommends the use of the proportional model presented in Appendix J of 40 CFR 51 or an equivalent model calibrated for local atmospheric conditions. It is recognized that the Appendix J Model does not account for transport and scavenging. However, EPA is developing additional guidance on these issues and is investigating the development of models that would account for both transport and scavenging. Until such additional guid-

ance is developed, existing procedures should be used.

Carbon monoxide

In the presently approved State Implementation Plan, the latest date by which the primary and secondary standards for carbon monoxide are to be attained in the AQCR is August 1, 1976 (38 FR 31388).

The Region II Administrator finds that the control strategy for carbon monoxide contained in the presently approved New Jersey State Implementation Plan is substantially inadequate to provide for the attainment and maintenance of the national primary and secondary ambient air quality standards in Central Business Districts (CBD's) located in the New Jersey portion of the New Jersey—New York—Connecticut AQCR. The CBD's where problems exist are Jersey City (Hudson County), Morristown (Morris County), Somerville (Somerset County) and Elizabeth (Union County). Plan revisions may prove necessary for other high-traffic areas in the AQCR, having similar attainment problems which have not yet been identified.

This finding is based on predicted carbon monoxide emissions estimated in the EPA publication entitled, "Air Pollutant Emission Factors, AP-42, Supplement 5," and on air quality data reports submitted by the State which document attainment problems at the following monitoring sites:

Carbon monoxide, 1975 8-h averages

Site	24 maximum 8-h concentration (parts per million)	Number of non-overlapping 8-h averages above the standard of 9 p/m
Elizabeth.....	20.2	124
Jersey City.....	22.5	170
Morristown.....	25.8	263
Somerville.....	18.0	17

The Regional Office recommends for consideration additional mobile source control measures such as Phase III inspection/maintenance program, heavy duty vehicle inspection/maintenance program, heavy duty vehicle retrofit, improved traffic management techniques and measures to reduce the use of automobiles in all congested areas in order to attain and maintain standards for carbon monoxide in the AQCR.

METROPOLITAN PHILADELPHIA INTERSTATE AQCR (NEW JERSEY PORTION)

The New Jersey portion of the Metropolitan Philadelphia AQCR is comprised of the Counties of Mercer, Burlington, Camden, Gloucester and Salem. The only AQMA in the Region, the New Jersey portion of the Philadelphia Interstate AQMA is geographically coincident with the New Jersey portion of the AQCR.

For the geographical areas within the AQCR and pollutants specified below, the Region II Administrator finds that the New Jersey State Implementation Plan is substantially inadequate to provide for

attainment and/or maintenance of air quality standards.

I. Particulate matter:

(A) Attainment of the secondary standard in the City of Camden.

(B) Maintenance of the primary and secondary standards in the New Jersey portion of the Metropolitan Philadelphia AQMA.

II. Sulfur oxides:

(A) Maintenance of the primary and secondary standards in the New Jersey portion of the Metropolitan Philadelphia AQMA.

III. Photochemical oxidants:

(A) Attainment of the primary and secondary standard in the New Jersey portion of the Metropolitan Philadelphia AQCR.

(B) Maintenance of the primary and second standard in the New Jersey portion of the Metropolitan Philadelphia AQMA.

IV. Carbon monoxide:

(A) Attainment and maintenance of primary and secondary standards in the Central Business Districts of Burlington and Camden.

The reasons for these findings by the Region II Administrator and suggestions for corrective action are discussed in detail for each pollutant in the sections of this notice immediately following:

Particulate matter

In the approved State Implementation Plan, the latest date by which the primary standards for particulate matter were to be attained in the AQCR is May 31, 1975 (38 FR 31-392). No date was submitted by the State for attainment of the secondary standard.

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment of the secondary standard in the City of Camden. This finding is based, in part, on air quality data from the EPA monitoring site in Camden where the 1975 annual geometric mean concentration of total suspended particulates was 84 $\mu\text{g}/\text{m}^3$, and the second maximum 24-hour concentration was 163 $\mu\text{g}/\text{m}^3$. Although this site contravened the primary standard, scheduled emission reductions in the AQCR indicate that the plan is adequate for attainment of the standard.

At the present time, the reasons for non-attainment of the secondary standard in the City of Camden have not been fully determined. In an attempt to resolve this question, a study is currently being performed by an EPA contractor entitled, "Regional Emission Inventory for the Metropolitan Philadelphia AQMA," EPA Contract No. 68-02-1376, Task 24. The results of this study will be available by October 1976. When this study is completed, the Regional Office and the State of New Jersey will be able to identify the types of control strategies needed to provide for attainment of the secondary standard for particulate matter in the City of Camden.

The entire New Jersey portion of the Metropolitan Philadelphia AQCR was designated as an AQMA for particulate

matter. At the present time, the extent of the air quality maintenance problem has not been determined fully. The above mentioned study will proceed with computer-assisted mathematical modeling for the purpose of determining the projected extent of future problems within the AQMA. Rather than wait for the completion of the analysis, however, the Regional Administrator is calling for a plan revision now so that the appropriate agencies of the State of New Jersey may begin the process of developing the plan revision.

Sulfur oxides

The extent of the air quality maintenance problem has not been fully determined at this time. As such, a program is presently under way to prepare a complete emission inventory for this AQMA. Another effort described in the preceding section, "Regional Emission Inventory for the Metropolitan Philadelphia AQMA," will include computer-assisted mathematical modeling for the purpose of obtaining a more precise determination of the projected extent of future problems within the AQMA.

Photochemical oxidants

In the approved State Implementation Plan, the latest date by which the primary and secondary standard for photochemical oxidants is to be attained in the AQCR is May 31, 1977 (38 FR 31392).

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment and maintenance of the primary and secondary standard throughout the AQCR. This is based, in part, on air quality data reports recently submitted by the State which document substantial attainment problems at the following sites:

Photochemical oxidants (ozone), 1975

Site	2d maximum 1-h average concentration micrograms per cubic meter	Number of hours standard of 160 $\mu\text{g}/\text{m}^3$ was exceeded
Camden.....	506	251
McGuire AFB.....	559	187
Ancora.....	414	304

An approach identical to that described for photochemical oxidants in the New Jersey portion of the New Jersey—New York—Connecticut AQCR should be used to provide for the attainment and maintenance of the photochemical oxidants standard in this AQCR.

Carbon monoxide

In the approved State Implementation Plan, the latest date by which the primary and secondary standards for carbon monoxide are to be attained in the AQCR is May 31, 1977 (38 FR 31388).

The Region II Administrator finds that the control strategy for carbon monoxide contained in the presently approved New Jersey State Implementation Plan is substantially inadequate to provide for the attainment and maintenance

nance of the national primary and secondary ambient air quality standards in the CBD's of Burlington (Burlington County) and Camden (Camden County). Plan revisions may prove necessary for other high-traffic areas in the AQCR having similar attainment problems which have not yet been identified.

This finding is based on predicted carbon monoxide emissions estimated in the publication entitled, "Air Pollutant Emission Factors, AP-42, Supplement 5," and on air quality data reports submitted by the State which document attainment problems at the following monitoring sites:

Carbon monoxide, 1975 8-h averages

Site	24 maximum 8-h concentration (parts per million)	Number of non-overlapping 8-h averages above the standard of 9 p/m
Burlington.....	20.2	45
Camden.....	20.5	14

An approach identical to that described for carbon monoxide in the New Jersey portion of the New Jersey-New York-Connecticut AQCR should be used to provide for attainment and maintenance of the standards for carbon monoxide in this AQCR.

NEW JERSEY INTRASTATE AQCR

The New Jersey Intrastate AQCR is comprised of the counties of Cumberland, Cape May, Atlantic and Ocean. There are two AQMAs within the AQCR. The Atlantic AQMA consists of Atlantic County and the Ocean AQMA consists of Ocean County.

For the geographic areas within the AQCR and pollutants specified below, the Region II Administrator finds that the New Jersey State Implementation Plan is substantially inadequate to provide for attainment and maintenance of national ambient air quality standards.

I. Particulate matter:

(A) Maintenance of the primary and secondary standards in the Atlantic and Ocean AQMAs.

II. Photochemical oxidants:

(A) Attainment and maintenance of the standard in the New Jersey Intrastate AQCR.

The reasons for these findings by the Region II Administrator and suggestions for corrective action are discussed in detail for each pollutant in the sections of this notice immediately following.

Particulate matter

At the present time, the potential for a particulate matter air quality maintenance problem is not fully known. A State contract has been issued to provide for development of an emission inventory and computer-assisted mathematical modeling for the Atlantic and Ocean AQMAs. The result of this program will be a more precise definition of the projected extent of future problems. The

Regional Office and the State should then be able to identify the types of control strategies needed to provide for maintenance of the primary and secondary standards for particulate matter in the Atlantic and Ocean AQMAs.

Photochemical oxidants

In the approved State Implementation Plan, the latest date by which the primary and secondary standard for photochemical oxidants is to be attained in the AQCR is May 31, 1977 (38 FR 31392).

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment and maintenance of the primary and secondary standard throughout the New Jersey Intrastate AQCR. This is based, in part, on air quality data reports recently submitted by the State which document substantial attainment problems at the Bl-Valve monitoring site. The 1975 second maximum one-hour average concentration was 332 $\mu\text{g}/\text{m}^3$, and there were 352 hourly contraventions of the standard.

An approach identical to that described for photochemical oxidants in the New Jersey portion of the New Jersey-New York-Connecticut AQCR should be used to provide for the attainment and maintenance of the photochemical oxidants standard in this AQCR.

NORTHEAST PENNSYLVANIA—UPPER DELAWARE VALLEY INTERSTATE AQCR (NEW JERSEY PORTION)

The New Jersey portion of the Northeast Pennsylvania—Upper Delaware Valley AQCR is comprised of Warren, Sussex and Hunterdon Counties. The only AQMA in the Region, the New Jersey portion of the Allentown—Bethlehem—Easton AQMA, consists solely of the County of Warren.

For the geographical areas within the AQCR and pollutants specified below, the Region II Administrator finds that the New Jersey State Implementation Plan is substantially inadequate to provide for attainment and maintenance of air quality standards.

I. Particulate Matter:

(A) Maintenance of the primary and secondary standards in the New Jersey portion of the Northeast Pennsylvania—Upper Delaware Valley Interstate AQCR.

II. Photochemical oxidants:

(A) Attainment and maintenance of the primary and secondary standard in

the New Jersey portion of the Northeast Pennsylvania—Upper Delaware Valley Interstate AQCR.

The reasons for these findings by the Region II Administrator and suggestions for corrective action are discussed in detail for each pollutant in the sections of this notice immediately following.

Particulate matter

The potential for a particulate matter air quality maintenance problem is not fully known at this time. A State effort currently is under way to provide for an emissions inventory and computer-assisted mathematical modeling for the Allentown—Bethlehem—Easton AQMA. The result of this program will be a more precise definition of the projected extent of future problems.

Photochemical oxidants

In the approved State Implementation Plan, the latest date by which the primary and secondary standard for photochemical oxidants is to be attained in the AQCR is May 31, 1977 (38 FR 31392).

The Regional Administrator finds that the approved plan is substantially inadequate to provide for attainment and maintenance of the primary and secondary standard throughout the New Jersey portion of the Northeast Pennsylvania—Upper Delaware Valley Interstate AQCR based, in part, on air quality data reports which document substantial attainment problems in the Pennsylvania portion of the AQCR. An approach identical to that described in the discussion of photochemical oxidants in the New Jersey portion of the New Jersey—New York—Connecticut AQCR should be used to provide for the attainment and maintenance of the photochemical oxidants standard in this AQCR.

REQUIRED STATE ACTIONS

Attainment and maintenance

To correct deficiencies in the New Jersey State Implementation Plan relating to the attainment of primary and/or secondary standards, the Regional Administrator is requiring the State to submit plan revisions by July 1, 1977 for the pollutants and geographic areas listed below. Where non-readily available control measures are necessary, such as those employing land use or transportation controls the plan revisions shall be submitted by July 1, 1978.

AQCR	Pollutant	Standard to be attained	Area
New Jersey-New York-Connecticut (New Jersey portion).	Particulate matter.....	Primary.....	City of Carteret.
	Photochemical oxidants.	Secondary.....	AQCR.
		Primary/secondary.....	AQCR.
Metropolitan Philadelphia.....	Carbon monoxide.....	do.....	CBD's of Jersey City, Morristown, Somerville, Elizabeth.
	Particulate matter.....	Secondary.....	City of Camden.
		Primary/secondary.....	do.....
Northeast Pennsylvania-Upper Delaware Valley (New Jersey portion).	Carbon monoxide.....	do.....	AQCR.
	Photochemical oxidants.	do.....	AQCR.
New Jersey Intrastate.....	do.....	do.....	AQCR.

The plan revisions must include a demonstration that the revised control strategy is adequate to attain the primary and/or secondary standards as expeditiously as practicable. They must also contain a demonstration that the revised control strategy is adequate to maintain standards once they are attained. For those pollutants and geographic areas which are included in Air Quality Maintenance Areas, the demonstration of plan adequacy to maintain standards will be provided according to a separate schedule appearing in a following section of this notice.

All plan revisions must meet the requirements of 40 CFR 51, subparts A and B. In addition, the State should meet the requirements of subpart D, where appropriate.

New and revised transportation strategies should be developed by transportation agencies in coordination with air pollution control agencies through the ongoing S-C Planning Process, as required by Section 109(j) of Title 23 (The Federal Highway Act). In the September 17, 1975 FEDERAL REGISTER, the U.S. Department of Transportation issued regulations pertaining to the transportation planning process which required Metropolitan Planning Organizations (MPOs), having the primary responsibility for regional long range planning, to prepare short-range (3-5 years) Transportation Improvement Programs (TIPs) and plans for improved Transportation System Management (TSM). These plans must be consistent with air quality attainment goals and with programs to achieve those goals. Therefore, new and revised transportation measures aimed at carbon monoxide and hydrocarbon emissions reduction, which result from this annual urban transportation planning process, must be included in the TIP and TSM plans, as necessary.

Specifically, five criteria must be met to ensure that air quality measures are implemented as part of the urban transportation planning process:

- (1) The MPO must participate in the development or revision of any transportation measures;
- (2) All transportation measures (excluding "hardware" source control measures i.e., inspection/maintenance and retrofit) scheduled for implementation in the next 3 to 5 years must be included in the short-range TIP;
- (3) All measures involving improved TSM (e.g., high occupancy vehicle priority treatment, parking management, traffic-free zones, congestion and road pricing, bike planning, and improved scheduling) should be included in the TSM element of the metropolitan area's transportation plan, regardless of when these measures are scheduled for implementation;
- (4) Each transportation measure must appear in the annual element of the TIP for the year in which the transportation measure is scheduled for implementation;
- (5) The transportation plan must be consistent with plans to attain the national ambient air quality standards as

defined in the joint EPA/FHWA guideline for implementation of Section 109(j) of Title 23.

The State shall prepare and submit plan revisions to provide for air quality maintenance in the previously discussed AQMAs for the pollutants identified. In preparing these plans the State shall submit an analysis of the impact on air quality from projected growth. In addition, there shall be a demonstration that the control strategy will maintain the

primary and secondary standards for a period of at least ten years after attainment or for ten years after approval of the plan revision for maintenance where attainment plan revisions are not being required. These required plan revisions must be prepared in accordance with the detailed provisions of Subparts A, B and D of 40 CFR 51.

The State shall submit the maintenance analyses and plan revisions by the following dates:

AQCR	AQMA	Pollutant	Maintenance analysis submittal date	Maintenance plan revision submittal date
New Jersey-New York-Connecticut (New Jersey portion).	New Jersey-New York.	Particulate matter	July 1, 1977	July 1, 1978
		Sulfur oxides	do	Do.
		Photochemical oxidants	do	Do.
Metropolitan Philadelphia (New Jersey portion).	Metropolitan Philadelphia.	Particulate matter	Jan. 2, 1977	Jan. 2, 1978
		Sulfur oxides	do	Do.
		Photochemical oxidants	June 1, 1977	July 1, 1978
Northeast Pennsylvania-Upper Delaware Valley (New Jersey portion). New Jersey intrastate	Allentown-Bethlehem-Easton. Atlantic, ocean.	Particulate matter	Nov. 1, 1976	July 1, 1977
		do	do	Do.

Letter of intent

The Governor shall submit, within 60 days of this notice, a letter of intent to the Regional Administrator, EPA, Region II which identifies the various action steps (along with target dates for completion) which the State will take to develop the plan revision in accordance with the requirements set forth in this notice. The State must also identify in the letter the agencies that have been given responsibility to prepare the plan revision. Failure by the State to submit a letter of intent within the allotted 60 days will be considered by EPA an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop for promulgation a Federal plan to attain the main national standards.

All provisions of the presently approved implementation plan remain in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA takes corrective action.

Legal authority and public comment

This notice is not subject to rulemaking procedures. The need for a plan revision is based upon findings of the Regional Administrator that control strategies are substantially inadequate and need to be revised. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearings that the State is required to hold on the plan revision before submission to EPA. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments, and if the State held no hearings on the revisions, will provide opportunity for a public hearing.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5

(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: June 30, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc. 76-20211 Filed 7-12-76; 8:45 am]

[FRL 581-3; OPP-50213/50214]

UNIVERSITY OF IDAHO, ET AL.

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. 135), experimental use permits have been issued to the following applicants. 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.

No. 38560-EUP-1. University of Idaho, Moscow, Idaho 83843. This experimental use permit allows the use of 10 pounds of the insecticide parathion on lentils to evaluate control of aphids, small armyworms, loopers, and grasshoppers. A total of 10 acres is involved; the program is authorized only in the States of Idaho and Washington. The experimental use permit is effective from June 1, 1976, to June 1, 1977. A temporary tolerance for residues of the active ingredient in or on lentils has been established. The permit is issued with the limitations that grazing will not be allowed and lentil forage will not be used as feed.

No. 38560-EUP-2. University of Idaho, Moscow Idaho 83843. This experimental use permit allows the use of 50 pounds of the insecticide carbaryl on lentils to evaluate control of armyworms, loopers, and grasshoppers. A total of 20 acres is involved; the program is authorized only in the States of Idaho and Washington. The experimental use permit is effective from June 1, 1976, to June 1, 1977. A temporary tolerance for residues of the active ingredient in or on len-

tils has been established. The permit is issued with the limitations that grazing will not be allowed and lentil forage will not be used as 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: July 6, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-20204 Filed 7-12-76;8:45 am]

[FRL 581-4; OPP-260007B]

ADVISORY COMMITTEE ON LEPTOPHOS Public Meeting

On May 17, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 20210) of the appointment of an Advisory Committee pursuant to Sections 408 (e) and (g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (e), (g)), to consider the proposed revocation of tolerances for the pesticide chemical leptophos. (See the FEDERAL REGISTER of May 17, 1975, 40 FR 22847.)

The Advisory Committee will meet on July 20 and 21, 1976, in Room 3906 of Waterside Mall, Headquarters, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Notice is hereby given that the meeting scheduled for July 20 at 9 a.m. is open to the public. Persons desiring to attend this meeting should contact the Secretariat, Mr. David Bowen at 202-755-2516.

Dated: July 9, 1976.

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

[FR Doc.76-20260 Filed 7-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-249]

INTERNATIONAL AND SATELLITE RADIO Applications Accepted for Filing

JULY 7, 1976.

The application listed herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return this application if, upon further examination, it is determined that it is defective and not in conformance with the Commission's Rules Regulations or its policies. Final action will not be taken on this application earlier than 31 days from the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES WESTERN UNION TELEGRAPH COMPANY

Application requesting temporary authority to install and operate a transportable satellite earth station at Kansas City, Missouri, to provide 2-uplink and 2-downlink video channels via the Westar II satellite for video communications between Kansas City Convention Center and earth stations of New York, Los Angeles, Chicago and Dallas during the Republican National Convention for a period July 24, 1976, and August 22, 1976. Location: Lat. 39°05'12" N., Long. 94°36'15" W. Frequencies: 5925-5965, 6045-6165, 6285-6325 MHz. Emission: 36000F9 and one (1) ten meter diameter antenna.

[FR Doc.76-20159 Filed 7-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 21, et al.]

MOBIL OIL CORP. ET AL.

Rate Change Filings

JULY 2, 1972.

Take notice that the producers listed in the Appendix attached hereto have

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 14, 1976	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	21	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
June 17, 1976	do.	415	Natural Gas Pipeline Co. of America.	Do.
Do.	Texas Pacific Oil Co., Inc., 17001 Main Pl., Dallas, Tex. 75250.	13	El Paso Natural Gas Co.	Permian Basin.
June 18, 1976	J. L. Burkhardt, 2121 South Columbia, Suite 600, Tulsa, Okla. 74114.	1	do.	Do.
Do.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	476	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do.	Shell Oil Co., 2 Shell Plaza, Houston, Tex. 77001.	130	Tennessee Gas Pipeline Co.	South Louisiana.
June 21, 1976	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73215.	27	Michigan-Wisconsin Pipeline Co.	Do.
Do.	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	215	Northern Natural Gas Co.	Permian Basin.
Do.	Champion Petroleum Co., 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	3	Tennessee Gas Pipeline Co.	Other Southwest.
Do.	do.	18	do.	Do.
Do.	do.	22	do.	Do.
Do.	Sohio Petroleum Co., 1100 Penn. Tower, Oklahoma City, Okla. 73118.	29	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.

[FR Doc.76-19983 Filed 7-12-76;8:45 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE, SYNTHESIZED GASEOUS HY- DROCARBON FUELS

Meeting

The Supply-Technical Advisory Task Force, Synthesized Gaseous Hydrocarbon Fuels will meet in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, on August 5, 1976 at 9:30 A.M.

Presiding is Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

AGENDA

1. Call to Order and Introductory Remarks: Mr. William J. McCabe.
2. Remarks by Chairman and Vice Chairman: Dr. Alan G. Fletcher, Mr. Charles W. Margolf.
3. Discussion and final formulation of economic study group findings: Dr. James J. Harris.

4. Subgroup working sessions:

(a) Subgroup I—History and Technology: Mr. Bernard J. Bortz, final report review, and economic analysis.

(b) Subgroup II—Siting and Environment: Mr. Charles W. Margolf, final report make-up and review.

5. Task Force Discussion Regarding Preparation of Final Task Force Report.

6. Selection of Final Task Force Meeting Date.

7. Other Business.

8. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20270 Filed 7-9-76;2:11 pm]

FOREIGN-TRADE ZONES BOARD

[Docket No. 5-76]

PORT EVERGLADES AUTHORITY, BROWARD COUNTY, FLA.

Foreign-Trade Zone Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Commissioners of the Port Everglades Authority (the Authority), Ft. Lauderdale, Florida, requesting a grant of authority for the establishment of a foreign-trade zone in Port Everglades, County of Broward, Florida, within the Port Everglades Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR part 400). It was formally filed on June 30, 1976. The Port Everglades Authority is a public corporation created in 1927 by the Florida Legislature and now chartered under a 1959 enactment by the Legislature (H.B. 2466, as amended, Chapter 59-1157). Article 3, Section 1(e) of its charter, empowers the Port Everglades Authority to apply for authority to establish foreign-trade zones within the limits of the Port District.

The proposal calls for a general-purpose foreign-trade zone consisting of 30 acres operated by the Authority, with 15 of these designated for expansion. It would be located with an undeveloped industrial park area presently owned by the Authority, situated one mile east of U.S. Highway 1, four miles east of U.S. Interstate Highway 95 and approximately seven miles east of the Florida Turnpike. The site is two miles from the Ft. Lauderdale/Hollywood International Airport and within one mile of the harbor facilities of Port Everglades. A concrete warehouse type building containing 110,000 square feet will be the first building constructed by the Authority. Further development will be along industrial park lines.

Port Everglades is considered to be the jurisdictional area of the Authority which covers some continuous 1,840 acres in Ft. Lauderdale and Hollywood, Broward County, Florida. The proposed zone site is within this area.

The application includes information and economic data concerning the basis for a zone facility to serve the special Customs needs of the area's business community. The proposed zone is intended to increase the area's tax base and stimulate international trade related business activity. Among the expected initial zone users are firms dealing in auto assemblies, computer software, general merchandise, glass, aluminum, industrial brushes, marine equipment, medical equipment, steel products, specialty concrete, water treatment equipment and window shutters.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan,

Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230; James R. Cahill, Director, Inspection and Control Division, U.S. Customs, Region IV, 7370 NW. 36th Street, Miami, Florida 33166; and Colonel D. A. Wisdom, District Engineer, U.S. Army Engineers District Jacksonville, P.O. Box 4970, Jacksonville, Fla. 32201.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on August 4, 1976 in the Commission Room of the Administration Building of the Port Everglades Authority which is located at the corner of Spangler Street and Eisenhower Boulevard, Ft. Lauderdale, Florida, beginning at 9:00 a.m. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by July 28, 1976 at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through September 3, 1976. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, Room 821, City National Bank Building, 25 West Flagler Street, Miami, Florida 33130.

Office of the Port Everglades Authority, Spangler Street and Eisenhower Boulevard, Ft. Lauderdale, Florida.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6885B, Washington, D.C. 20230.

Dated: July 1, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-20128 Filed 7-12-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LITERATURE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Endowment for the Arts will be held on August 6 and 7, 1976 from 9:00 a.m.-6:00 p.m. in the 14th floor conference room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Human-

ities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts,
National Foundation on the Arts
and the Humanities.

[FR Doc.76-20169 Filed 7-12-76;8:45 am]

NATIONAL COUNCIL ON THE ARTS

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 National Council on the Arts will be held on July 31, 1976 from 9:30 a.m.-6:00 p.m. and on August 1, 1976 from 9:30 a.m.-2:00 p.m. in the 14th Floor Conference Room, Columbia Plaza Office Bldg., 2401 E St., Washington, D.C.

A portion of this meeting will be open to the public on July 31 from 9:30 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) Discussion of General Operating Support (2) State of the Arts: Presentation by each Program Director concerning the current state of each artistic discipline's fields.

The remaining sessions of this meeting on July 31 from 1:00 p.m.-6:00 p.m. and August 1 from 9:30 a.m.-2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts,
National Foundation on the
Arts and the Humanities.

[FR Doc.76-20168 Filed 7-12-76;8:45 am]

**National Endowment for the Arts
FELLOWSHIP GRANTS TO OPERA
COMPANIES AND ORCHESTRAS**

Application Guidelines

The following are guidelines for Fellowship Grants to Opera Companies and Orchestras made under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Music Program Application Deadlines and Grant Calendar is included. Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Mail Stop 553, Washington, D.C. 20506 (202) 634-6390, for further information and application forms.

Signed at Washington, D.C., on July 6, 1976.

ROBERT M. SIMS,
*Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.*

**MUSIC PROGRAM GUIDELINES FOR OPERA
COMPANIES AND ORCHESTRAS**

INTRODUCTION

The National Endowment for the Arts plans to continue its programs of assistance to opera companies and symphony orchestras for the 1977-78 performance season. The Endowment is requesting applications at this time in recognition of the need for opera companies and symphony orchestras to plan well in advance and to facilitate development and processing of applications. Funds from the Endowment's Fiscal 1977 appropriations will be used to fund grants under these guidelines.

Application Deadline Calendar

Grant program	Deadline	Announcement of rejection or grant award	Project beginning date
Opera	Aug. 1, 1976	Spring 1977	Oct. 1, 1977
Orchestra	Sept. 10, 1976	do	Do

CATEGORIES OF FUNDING

OPERA PROGRAM

Assistance is available to opera companies to improve the artistic quality of fully staged opera in all sections of the country; to broaden the repertory to include works from various historical periods with particular emphasis on works by American artists; to provide sustained professional opportunities for American artists; and to strengthen the management of opera companies.

Application deadline

Applications must be postmarked no later than August 1, 1976. Applications postmarked later than the deadline will not be considered for assistance in the 1977-78 season.

Eligibility

Assistance is limited to professional opera companies that meet the criteria on page 6 as well as the following:

Have maintained annual cash incomes from all sources in excess of \$100,000 for a minimum of three seasons;

Have national regional impact;

Produce fully-staged performances with orchestra of appropriate size, providing sufficient rehearsal time to assure performances of uniform artistic quality;

Are of high artistic integrity and rely primarily on their own artistic resources;

Perform annual resident seasons of no fewer than two performances each of three productions;

Perform with orchestras and choruses in rehearsal on a seasonal rather than on a pickup basis.

Companies which serve unique needs due to geographical location or other special conditions and demonstrate high standards of performance and administration may also be considered.

Project priorities

Activities which reflect high artistic standards.

More opportunities for young American performers on a repertory basis.

Variety in repertory, particularly the presentation of more American operas.

Use of a wider variety of qualified and imaginative stage directors and conductors. Greater stress on performances in English.

Activities which will increase or generate funding sources.

Project examples

Although the Endowment welcomes the vitality of new programs and, under all conditions, encourages applicants to develop new sources of funds, applications should represent the genuine needs of the applicant organizations. Accordingly, companies may request assistance to strengthen existing programs. Assistance may be requested for a project which has previously been supported. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion into future seasons.

The Endowment's assistance is never intended to discourage admission fees irrespective of how nominal the charge may be; or is it intended to substitute for previous local support but, instead, is designed to encourage continuing and increased local contributions.

The following are examples of projects that are eligible for assistance. The National Council on the Arts has recommended that the Endowment extend first priority to applications which provide assistance and recognition to American artists.

1. Programs designed to reach larger and more diversified audience than those usually served by the subscription series; for example, improved services to local communities such as schools, inner-city areas, parks, neighborhoods, churches, or industries.

2. Commissioning and/or production support for works by American composers.

3. Companies may apply to share the costs associated with new productions.

4. Regional touring programs, particularly to areas live opera is not ordinarily available. Cooperative planning with state and regional arts councils as sponsoring organization is encouraged.

5. Quality performances (e.g., workshops, coaching) adaptable to in-school presentations. Project proposals directed to this area should include:

Full description of the proposed project to include planning, program implementation and evaluation; and

Letters of interest from cooperating organizations involved.

6. Projects to improve artistic direction and performance quality, including increased rehearsal time.

7. Professional coaching for local or area performers.

8. Extended seasons designed to increase the number of productions and performances. The Endowment must receive evidence that, without federal support, the extension of the season would not jeopardize the company's continued existence.

9. Exploration of new ways to improve earned and contributed income, including development programs staffed by professional development personnel, and new methods of promotion to increase audiences and improve ticket sales procedures.

10. Projects designed to improve quality of management.

11. Increased collaboration or sponsorship of programs with other performing organizations, such as professional orchestras and dance companies.

Other projects may be initiated on recommendation of the Opera Section of the Music Advisory Panel.

Grant amounts

The Music Advisory Panel and the National Council on the Arts have recommended that priority consideration be given to increasing some of the grants to opera companies and other institutions for the 1977-1978 performing season if increased appropriations for the Arts Endowment's Fiscal Year 1977 are sufficient. As of May 1976, the amount being considered by the House of Representatives is not sufficient. Final appropriation amounts will not be known until fall 1976.

If additional monies are available, grants will not be in excess of \$160,000 in federal funds. Therefore, opera companies previously receiving support are requested to apply for amounts equal to that granted for the 1976-77 performing season or for very modest increases. In addition, opera companies should apply for at least the same amount of Treasury Funds as they were awarded for the 1976-77 performing season.

Opera companies not previously assisted and which now meet eligibility criteria are asked to request no more than \$10,000.

Opera companies are urged not to rely on the possibility of increased funds in planning their seasons.

Period of support

Applicant organizations not assisted by the Endowment in the 1975-76 season should request a period of grant support beginning after October 1, 1977. Generally, the projected grant period may not extend beyond one year. Applicant organizations currently assisted by the Endowment may request the same period of support as in the 1976-77 season.

Program limitations

Applications rarely will be considered for non-specific support. Applicants are requested to limit their requests to a single application; however, requests for more than one project may be presented in the application if the overall project description does not attempt to encompass all aspects of the opera company's total program.

Application procedure

Opera companies meeting the eligibility criteria may request application forms from the Music Program/Mail Stop 553, National Endowment for the Arts, Washington, D.C. 20506.

The National Opera Institute

The Endowment, through a Treasury Fund grant with matching private funds, provides substantial support to The National Opera Institute, an independent organization which offers assistance to organizations and individuals. Aiding young artists of exceptional talent through individual grants to performers, training in allied operatic professions, assisting with production of new or rarely performed operas and innovative pro-

grams in production techniques and inter-company cooperative projects, all fall within the purview of the Institute.

Inquiries and application for assistance from the Institute should go directly to The National Opera Institute, John F. Kennedy Center for the Performing Arts, Washington, D.C. 20566.

ORCHESTRA PROGRAM

The Endowment provides assistance to symphony orchestras to improve and maintain the artistic quality and management of symphony orchestras in all sections of the country; to broaden the repertory to include works of various historical periods with particular emphasis on works by American composers; to provide sustained professional opportunities for American artists; and to encourage more flexible service of symphony orchestras to the larger community through the use of smaller performing units.

Application deadline

Applications must be postmarked no later than September 10, 1976. Applications postmarked later than the deadline will not be considered for assistance in the 1977-78 season.

Eligibility

Assistance is limited to professional orchestras that meet the criteria on page 6 as well as the following:

Demonstrate high standards of performance and administration;

Have national or regional impact; and

Have maintained annual cash incomes from all sources in excess of \$100,000 for a minimum of three seasons.

Orchestras that serve unique needs due to geographical location or other special conditions may also be considered.

Project examples

Although the Endowment welcomes the vitality of new programs and, under all conditions, encourages applicants to develop new sources of funds, applications should represent the genuine needs of the applicant organizations. Accordingly, orchestras may request assistance to strengthen existing programs. Assistance may be requested for a project which has previously been supported. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion into future seasons.

The Endowment's assistance is never intended to discourage admission fees irrespective of how nominal the charge may be; nor is it intended to substitute for previous local support but, instead, is designed to encourage continuing and increased local contributions.

The following are examples of projects that are eligible for assistance. The National Council on the Arts has recommended that the Endowment extend first priority to applications which provide assistance and recognition to American artists.

1. Programs by full orchestra or smaller ensembles from the orchestra designed to present works by contemporary composers, especially living American composers. Orchestras may apply for support for commissioning and performance including multiple performances by several orchestras as part of the assistance under these guidelines.

2. Programs designed to present gifted young American artists as soloists with the orchestra or smaller ensembles.

3. Programs designed to reach larger and more diversified audiences than those usually served by the subscription series; for example, improved services to local communi-

ties such as schools, inner-city areas, parks, neighborhoods, churches, or industries.

4. Collaboration of sponsorship of programs with other established performing organizations, such as choral societies, dance companies, opera companies, resident professional theatre companies and experimental groups, through use of the orchestras or smaller ensembles.

5. Projects to improve the quality of performance, including increased rehearsal time, and to improve artistic direction and management.

6. Flexible use of orchestral personnel in smaller ensembles and solo performances.

7. Experimental programming with commercial and educational public media through radio, television, film and new technological development. Project proposals in this area should include:

Full description of the proposed program(s);

Letters of interest from the stations involved; and

Resumes and a sample of previous work of key artistic personnel such as director, producer, filmmaker.

8. Exploration of new ways to improve earned and contributed income, including development programs staffed by professional development personnel and new methods of promotion to increase audiences and improve ticket sales.

9. Professional apprentice programs in performance or management.

10. Regional touring programs, particularly to areas where instrumental performance of quality otherwise would not be possible.

11. Special series of concerts in cooperation with unions, schools, teacher organizations, college groups, et cetera. Project proposals in this area should include:

Full description of the proposed project to include the planning stage, program implementation, and evaluation;

Letters of interest from the organizations involved.

12. Extended seasons. The Endowment must receive evidence that, without federal support, the extension of the season would not jeopardize the orchestra's continued existence.

13. Cooperative planning among orchestras on a regional level to achieve greater efficiency in operations, improvement in quality of performance, enlargement of touring opportunities (perhaps via an arrangement with regional blocs of state agencies).

Grant amounts

The Music Advisory Panel and the National Council on the Arts have recommended that priority consideration be given to increasing some of the grants to orchestras and other institutions for the 1977-1978 performing season if increased appropriations for the Arts Endowment's Fiscal Year 1977 are sufficient. As of May 1976 the amount being considered by the House of Representatives is not sufficient. Final appropriation amounts will not be known until fall 1976.

If additional monies are available, grants will not be in excess of \$160,000 in federal funds. Therefore, orchestras previously receiving support are requested to apply for amounts equal to that granted for the 1976-77 performing season or for very modest increases. In addition, orchestras should apply for at least the same amount of Treasury Funds as they were awarded for the 1976-77 performing season.

Orchestras not previously assisted and which now meet eligibility criteria are asked to request no more than \$10,000.

Orchestras are urged not to rely on the possibility of increased funds in planning their seasons.

Period of support

Applicant organizations not assisted by the Endowment in the 1975-76 season should request a period of grant support beginning after October 1, 1977. Generally, the projected grant period may not extend beyond one year. Applicant organizations currently assisted by the Endowment may request the same period of support as in the 1976-77 season.

Program limitations

Applications rarely will be considered for non-specific support.

Although the Endowment seeks information regarding plans for recording, the present policy of the Endowment does not include support to orchestras for the purpose of recording.

The Endowment's assistance under this program is not intended to provide support for youth orchestras and their activities; scholarships for student musicians; or to support the initial employment of a general manager.

Applicants are required to limit their requests to a single application; however, requests for more than one project may be presented in the application if the overall project description does not attempt to encompass all or most aspects of the orchestra's total budget.

Application procedures

Orchestras meeting the eligibility criteria may request application forms from the Music Program/Mail Stop 553, National Endowment for the Arts, Washington, D.C. 20506.

[FR Doc.76-20165 Filed 7-12-76; 8:45 am]

POSTAL RATE COMMISSION

[Docket No. RM76-5; Order No. 128]

FILING OF PERIODIC REPORTS BY THE UNITED STATES POSTAL SERVICE

Order Convening Technical Conference

JULY 6, 1976.

Before Commissioners: Clyde S. Du Pont, Chairman; Carlos C. Villarreal, Vice-Chairman; Paul A. Miltich; Kieran O'Doherty; Frank P. Saponaro.

On April 5, 1976, the Commission issued a notice of proposed rulemaking¹ in the above docket, with the intention of developing a better and more expeditious method of securing data needed in the execution of our regulatory duties. We appended thereto a list of Postal Service data compilations which we tentatively identified as those relevant and useful for our purposes.

A number of comments have been received from the Postal Service and several other parties. The comments indicate some disagreement on the identification of (as well as the necessity for) the data collections referred to in the notice. We are of the opinion that the matter might be clarified by means of a technical conference among the parties at which the appropriate technical personnel of the Postal Service would be present both to express views and to answer questions.²

Accordingly, we are by this Order establishing such a technical conference open to any interested party and in particular to those who have already filed comments in this proceeding. Any party

attending the conference will be free to express views or put questions on the subject matter of the rulemaking. Participation by technically-qualified employees or consultants of these parties will be welcome. A stenographic record of the proceedings will be made, though the parties may by agreement conduct portions thereof off the record.

In order to permit informed participation by all parties, each party who has heretofore filed comments in this docket should serve a copy thereof on each other party (see Attachment A hereto) no less than 10 days before the conference.

Because of the highly technical nature of the subject to be addressed, we are delegating the position of Moderator of the conference to the Director of our Office of Planning and Operations, Mr. Vincent F. DeCain. The Commission intends to be present at the conference, however, and to participate as appropriate.

Parties are asked to note that, while suggestions for additional data items to be collected will be welcomed, it is not the intent of the conference to expand the purposes of this docket beyond those expressed in our April 5 notice. Queries and additional comments should be framed with those purposes in mind.

On conclusion of the conference, the Commission will consider appropriate further steps in the proceeding, such as additional conferences or any necessary modifications in the April 5 notice.

The Commission orders: (A) A technical conference in the above docket will be held in the Commission's hearing room, 2000 L St., N.W., Washington, D.C., on August 5, 1976, beginning at 9:30 a.m.

(B) The Director of the Office of Planning and Operations, Mr. Vincent F. DeCain, is designated to act as Moderator of the conference.

(C) The proceedings of the conference shall be stenographically transcribed and the transcript made part of the record in this docket.

(D) Not less than 10 days before the date of the conference, each party named on Attachment A hereto shall serve upon each other party named on such Attachment a copy of the serving party's comments filed herein.¹

By the Commission.

JAMES R. LINDSAY,
Secretary.

ATTACHMENT A

RESPONDENTS FILING COMMENTS IN DOCKET NO. RM76-5

United States Postal Service²—Jim Finch, Esquire, Associate General Counsel, Postal Rates and Mail Classification Office, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Room 9171, Washington, D.C. 20260.

Commonwealth of Massachusetts³—James R. Adams, Esquire, Assistant Attorney Gen-

¹ The Postal Service, in a letter of April 20, 1976, suggested that such a conference be held.

² Copies of this Order are being served on all persons listed in the Commission's general service list, compiled from prior proceedings.

eral, One Ashburton Place, Boston, Massachusetts 02108.

Office of the Commission, Postal Rate Commission²—Norman D. Schwartz, Esquire, Assistant General Counsel (Litigation), Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

United Parcel Service³—Robert L. Kendall, Jr., Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, Pennsylvania 19102, and 1666 K Street, N.W., Suite 608, Washington, D.C. 20006.

[FR Doc. 76-20094 Filed 7-12-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CAREX INTERNATIONAL, INC.

Suspension of Trading

JULY 2, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Carex International, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:50 a.m. (EDT) on July 2, 1976 through July 11, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-20084 Filed 7-12-76; 8:45 am]

[Rel. No. 9339 (812-3953)]

THE FORE FUND, INC., AND THE PARTNERS FUND, INC.

Application for an Order Exempting Proposed Transactions

JULY 2, 1976.

Notice is hereby given that The Fore Fund, Inc. ("Fore") and The Partners Fund, Inc. ("Partners" or the "Surviving Corporation"), 522 Fifth Avenue, New York, New York 10036 (collectively referred to as "Applicants"), Maryland corporations registered as diversified, open-end, management investment companies under the Investment Company Act of 1940 ("Act"), filed an application on May 7, 1976, and an amendment thereto on June 11, 1976, for an order pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act a proposed merger of Fore into Partners. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Fore was incorporated on July 3, 1972, and, as of March 31, 1976, had 1,500,000 shares of authorized capital stock, \$1.00 par value,

¹ Respondent filed both initial and reply comments.

² Respondent filed initial comments only.

of which 45,152 shares were outstanding, and net assets of \$546,078, and that Partners was incorporated on September 8, 1967, and, as of March 31, 1976, had 25,000,000 shares of authorized capital stock, \$1.00 par value, of which 2,709,245 shares were outstanding, and net assets of \$23,061,929. Applicants further state that both Fore and Partners employ Cedar Street Consultants, Inc. ("Cedar Street") as their investment adviser, under identical investment advisory agreements, and that the Boards of Directors and principal officers of Fore and Partners are identical.

The application provides that the articles of incorporation and by-laws of both applicants are substantially identical in all material respects, except that the articles of incorporation of Partners contain restrictions on its ability to borrow money and mortgage, pledge or hypothecate securities while no such restrictions are contained in the articles of incorporation of Fore. The investment objective of each of the Applicants is to seek possible growth of capital. Applicants are both regulated investment companies within the meaning of Section 851 of the Internal Revenue Code of 1954.

Applicants state that Fore does not presently offer its shares to the public, and that Partners, which originally was designed primarily for retirement plans and persons with tax-exempt or sheltered income, but is currently of interest to all investors seeking capital growth regardless of taxable status because of its tax loss carryforward, offers its shares at net asset value without sales load.

According to the application, Cedar Street became the investment adviser of the Applicants on January 20, 1975, after being selected by the Boards of Directors of the Applicants and approved by their stockholders as the successor to an investment adviser whose contract was terminated in September 1974, when it defaulted on certain obligations under its investment advisory agreement. Cedar Street has served as Fore's investment adviser since January 20, 1975, without receiving any investment advisory fees, pursuant to a provision in its investment advisory agreement with Fore which provides that if, with respect to any fiscal year of Fore, the total operating expenses paid by Fore, including investment advisory fees but excluding interest, taxes, brokerage commissions and extraordinary expenses, exceed 1% of the average net asset value of Fore, the investment advisory fee with respect to such fiscal year shall be reduced by an amount equal to such excess. As a result, Applicants state that Cedar Street would be entitled to an investment advisory fee on the Fore assets following the proposed merger described herein (\$2,730 per year based upon Fore's net assets at March 31, 1976) which it is not presently receiving.

Pursuant to approvals granted by the Boards of Directors of the Applicants, the Applicants propose to enter into a Plan and Articles of Merger, ("Plan") a copy of which is set forth as an exhibit to the application.

By the terms of the Plan, Fore shall be merged into Partners in accordance

with Maryland law, Partners shall be the surviving corporation, and the separate existence of Fore shall cease. On the effective date of the merger (the "Effective Date") the outstanding shares of capital stock of Fore shall be converted into that number of full and fractional shares of Partners as shall have an aggregate net asset value equal to the value of the net assets of Fore, all valued as of the close of business on the last day prior to the Effective Date.

The Plan further provides that, before the Effective Date, Fore will declare and distribute a dividend consisting of substantially all of its undistributed net taxable investment income (if any) and Partners will declare a dividend consisting of substantially all of its undistributed net taxable income (if any) as of a date within 45 days prior to the Effective Date, payable to stockholders of record of Partners as of a date prior to the Effective Date. In addition, Fore will distribute substantially all of its undistributed realized net taxable long-term capital gains (if any). It is anticipated by Applicants that Partners will not make any distribution of undistributed realized net long-term capital gains because of its tax loss carryforwards.

In addition, Applicants state that the Plan provides several conditions precedent to the consummation of the merger, including the following:

(a) Approval by the requisite vote or consent of stockholders of Fore. No approval will be sought from stockholders of Partners, as set forth below:

(b) The obtaining by the Funds of a ruling from the Internal Revenue Service or opinion of counsel satisfactory to the Funds that the merger will constitute a tax-free reorganization;

(c) The granting by the Commission of the exemption from the provisions of Sections 17(a) of the Act requested in the application; and,

(d) The truth and correctness of customary representations by each of the Applicants, which are set forth in the Plan.

The Applicants state that, as of March 31, 1976, the Federal tax basis of securities held in the Fore portfolio was 84.78% of the market value of such securities and the Federal tax basis of securities held in the Partners portfolio was 91.10% of the market value of such securities. At that date the unrealized appreciation on investments held by Fore was \$72,559, and on investments held by Partners was \$2,031,941. At the same date Fore had \$69,888 of net realized capital gains and Partners had \$1,345,935 of net realized capital gains during the current fiscal year and (at June 30, 1975) Partners had approximately \$10,600,000 of capital loss tax carryforward, of which approximately \$8,600,000 will expire, if not used, on June 30, 1978, and approximately \$2,000,000 on June 30, 1979.

In view of its tax loss carryforward, Applicants assert that Partners will not accrue any potential Federal tax payable with respect to its net taxable capital gains realized since July 1, 1975, as a liability on the Effective Date, and such gains will be retained (and not distributed) by Partners. To the extent that

additional net capital gains are realized by the Surviving Corporation during the period following the Effective Date, former stockholders of Fore who are stockholders of the Surviving Corporation will be affected by the Federal tax consequences of all such gains on a basis proportionate to their interest in the Surviving Corporation.

Applicants state that, in view of the fact that there can be no assurance that carryforwards can be utilized before they expire, and in view of the uneven impact of any adjustment on individual stockholders because of different holding periods, tax bases, and tax rates, the Boards of Directors of the Applicants have determined that it would not be appropriate to apply any tax adjustment formula to the net asset value exchange contemplated by the merger transaction.

According to the application, it is expected that at the Effective Date all portfolio securities of Fore will be acceptable to and retained by Partners, subject to normal changes resulting from judgments as to the investment value of a particular security. Applicants further state that Fore has agreed that pending stockholder action on the merger, it will not acquire any securities the retention of which by Partners, after the merger becomes effective, would be inconsistent with the investment objectives or policies of Partners, and that Fore held no such securities as of the date of its filing of the amendment to the application. Since the portfolios of Fore and Partners are already essentially compatible, Applicants assert that the merger transaction will not result in realization of extra capital gains or brokerage expense by Partners.

According to the application, preliminary proxy material in connection with the meeting of stockholders of Fore to be held for the purpose of voting upon the merger transaction described herein has been filed with the Commission as part of a Registration Statement on Form S-14 filed by Partners with respect to the shares of Partners to be issued in the merger. Such material further describes the merger transaction and the matters to be acted upon by the stockholders of Fore. Applicants state that Maryland law does not require approval of stockholders of a surviving corporation with respect to a merger if its outstanding shares will be increased by less than 15% as a result of the merger and no change will be made in its articles of incorporation. Since no change will be made in the articles of incorporation of Partners in connection with the merger and Applicants anticipate that the outstanding shares of Partners would be increased by less than 15%, Applicants do not propose to submit the merger transaction to the stockholders of Partners for approval.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as:

* * * (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of

whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof * * *

Applicants asserts that because of the identity of the Boards of Directors of the Applicants, and the fact that they both retain Cedar Street as investment adviser, it may be argued that the Applicants are under common control and therefore affiliated persons of each other, although the Applicants do not concede this to be the case.

Section 17(a) of the Act, in part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as a principal, knowingly to sell to or purchase from such investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon Application, may exempt from the provisions of Section 17(a) a proposed transaction if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are reasonable and fair to all parties, do not involve overreaching, and are consistent with the investment objectives of each of the Applicants and with the policies of the Act.

The Application provides that shares of the Surviving Corporation will be issued for shares of Fore on the basis of the respective net asset values of Fore and Partners determined at the close of business on the last business day preceding the effectiveness of the merger. The Applicants estimate that the aggregate expenses of consummating the merger, including the Special Meeting of Fore Fund stockholders and related proxy statement and legal, accounting and miscellaneous expenses, will be approximately \$18,000. The Plan provides that each of the Applicants will bear its own expenses attributable to the merger, and that expenses deemed by the Directors of each of the Applicants to be common to the transaction (which are expected to comprise the major portion of the expenses) will initially be apportioned on the basis of the relation of the net assets of each of the Applicants to the net assets of the Surviving Corporation on a pro forma basis as of the close of business on the date prior to the Effective Date, with the apportionment then adjusted so that the total expenses of the merger borne by Partners will not exceed \$10,000. On this basis, Applicants estimate that Fore and Partners will bear approximately \$8,000 and \$10,000 of the

merger expense respectively. Applicants state their expectations that, following the merger, such items as expenses of director and stockholder meetings, attorney, auditor, transfer agent and custodian fees, stockholder reports and franchise fees, which are now paid by each Applicant, will constitute a lower percentage of the Surviving Corporation's income than of Fore's income prior to the merger and that there will be no substantial impact on the expense ratio of Partners. While Applicants state that they do not expect the merger to result in any substantial economies for Cedar Street, the attentions of portfolio and other management personnel which have previously been divided between Fore and Partners will now be devoted exclusively to Partners.

The Application further states that the proposed transaction is consistent with the investment objectives and policies of each of the Applicants. Both Applicants seek capital growth. The principal difference between the Applicants is that Fore can borrow up to one-third of its assets to leverage its investing, while Partners is limited to borrowing for temporary purposes and not to exceed 10% of its total assets. However, Applicants asserts that since Cedar Street became the investment adviser of Fore and Partners in January 1975, Fore has not made any borrowings and the portfolios of the Funds have contained similar types of securities, and that, at March 31, 1976, approximately 57% of the equity investments of Fore consisted of issues also in the portfolio of Partners. While Partners pursues its investment objectives principally through investment in securities selected for their long-term investment merit and potential, the six-month period required to establish long-term gains does not influence the selection or sale of its portfolio securities.

Finally, Applicants assert that the proposed merger is consistent with the general purposes of the Act and would not involve any practices which Section 17(a) or any other provision of the Act is designed to prevent.

Notice is further given that any interested person may, not later than July 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a

hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-20035 Filed 7-12-76; 8:45 am]

[Rel. No. 9341 (812-3913)]

**THE INCOME FUND OF AMERICA, INC.,
AND AMERICAN INCOME INVESTMENTS, INC.**

**Filing of Application for an Order Exempting
a Proposed Transaction**

JULY 2, 1976.

Notice is hereby given that AMERICAN Income Investments, Inc. ("AMINC"), and The Income Fund of America, Inc. ("IFA") (collectively, the "Applicants"), 611 West Sixth Street, Los Angeles, California 90017, both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application on February 13, 1976, and amendments thereto on June 24, 1976 and July 1, 1976, pursuant to Section 17(b) of the Act for an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act a proposed merger of AMINC into IFA. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, AMINC was incorporated in the State of Delaware on April 8, 1957, and, on May 31, 1976, had 14,003,993 shares outstanding and net assets of \$124,617,150. IFA was incorporated in the State of Delaware on April 8, 1969, and, on May 31, 1976, had 3,235,003 shares outstanding and net assets of \$48,778,672.

Applicants state that they have entered into an Agreement and Plan of Merger ("Agreement"), pursuant to which AMINC will be merged into IFA and the separate existence of AMINC will cease. Applicants state further that, to become effective, the Agreement requires (1) the affirmative vote of at least a majority of the outstanding shares of each of the Applicants; (2) the receipt of either a ruling from the Internal Revenue Service or opinions of the Applicants' respective legal counsels to the effect that the merger will constitute a tax-free reorganization; (3) the issuance of the order requested herein; and (4) any other orders of Federal and State regulatory authorities as may be necessary. According to the application, the Agreement contains customary representations and warranties by each of the Funds, the truth and correctness of

which are also conditions precedent to the consummation of the merger.

Applicants state that the effective time of the merger is to be the close of the business day of July 31, 1976, and that, shortly before the effective date of the merger, each of the Applicants shall distribute to its shareholders substantially all of its net taxable income for the fiscal year through the effective date of the merger.

If the merger is consummated, it is proposed that the outstanding shares of AMINC held of record by each shareholder of AMINC will be converted into and become that number of full and/or fractional shares of IFA which, when multiplied by the net asset value per share of such shares of IFA, shall have an aggregate net asset value equal to the aggregate net asset value of such shareholder's interest in AMINC. The net asset value of the shares of common stock of IFA and AMINC at the effective time of the merger shall be the net asset values of each of the Applicants determined in the manner described in their current prospectuses as of the close of the New York Stock Exchange on the day of the effective time of the merger or, if the Exchange is not open on that day, on the last preceding day on which the Exchange was open.

The respective tax positions of Applicants as of May 31, 1976, are said to be as follows: AMINC had a total capital loss carry-over of approximately \$18,000,000, of which \$6,300,000, \$8,900,000 and \$2,800,000 may be used to offset capital gains realized during the five year periods ending November 30, 1978, 1979, and 1980, respectively; IFA had a total capital loss carry-over of approximately \$6,000,000 of which \$3,800,000 and \$2,200,000 may be used to offset capital gains realized during the five year periods ending July 31, 1979, and 1980, respectively; AMINC had net unrealized gains of \$92,000 and net realized losses of \$53,000; and IFA had net unrealized gains of \$8,441,000 and realized gains of \$518,000.

The Applicants have agreed that no adjustment need be made in the computation of the Applicants' respective net asset values to reflect any potential income tax impact on the shareholders of the Applicants which might result from differences in amounts of the realized and unrealized capital gains or losses. Applicants are of the opinion that the actual impact of capital loss carry-overs and current net unrealized gains or losses is not readily determinable and would be largely a matter of speculation, and that any such impact would depend on many different factors, including each individual shareholder's personal tax status.

Applicants state that the primary investment objective of both Applicants is current income, and that since all of the securities owned by AMINC are considered by the Applicants to be compatible with that objective, Applicants do not expect that any securities presently owned by AMINC will have to be sold in order to avoid delivery to IFA of securi-

ties incompatible with IFA's investment objective. Applicants represent that the portfolio of AMINC will continually be reviewed to ascertain that all securities held by AMINC are compatible with IFA's investment objective, and should any security held by AMINC be deemed to be incompatible with IFA's objective, it will be sold prior to the merger.

Applicants state further that the investment restrictions of the Applicants are substantially similar in content and that the fundamental investment restrictions of IFA will continue in effect after the merger and will be the fundamental investment restrictions of the surviving company.

It is proposed that each of the Applicants will bear its own expenses in connection with the merger. The aggregate expenses are expected to be approximately \$84,000, of which it is proposed that AMINC will bear \$52,000 and the remainder of approximately \$32,000 will be borne by IFA.

Capital Research and Management and Management Company ("CRMC") acts as investment adviser to each of the Applicants. Applicants state that CRMC's investment advisory agreement with IFA will continue as the investment advisory agreement of the surviving company.

It appears that CRMC's investment advisory and service agreement with AMINC provides for compensation of .5% per annum of the first \$150,000,000 of AMINC's net assets and of .4% of the net assets of in excess of \$150,000,000. CRMC's corresponding agreement with IFA provides that IFA shall pay CRMC .3% per annum on the first \$50,000,000 of IFA's net assets, and .21% per annum on the portion of such assets in excess of \$50,000,000, plus 5% of the first \$3,000,000 of IFA's gross investment income and 2.25% of the portion of IFA's annual gross income in excess of \$3,000,000.

Applicants contend that they are not "affiliated persons" of each other, or affiliated persons of affiliated persons of each other, within the meaning of Section 2(a)(3) of the Act. Applicants assert that they have only one common director, and that the majority of the members of their respective Boards of Directors are not "interested persons" as defined in the Act. Applicants further state that they have no common officers with the exception of one individual and that neither of them owns any of the outstanding shares of the other. As stated above, CRMC acts as investment adviser to each of the Applicants.

Applicants recognize, however, that on the basis of the foregoing facts they might be deemed to be "affiliated persons" of each other and state that they have filed the application so as to avoid any question being raised under Section 17(a) of the Act with respect to the transaction described therein.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, know-

ingly to sell or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall by order exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned in that shares of IFA are proposed to be issued for shares of AMINC on the basis of their respective net asset values. Applicants further submit that the transaction is consistent with the policies of each of them. In the opinion of the Applicants, the shareholders of IFA will benefit from the spreading over their combined assets of certain relatively fixed expenses such as certain duplications of expense in: (i) Auditing, accounting, and legal areas; (ii) the qualification of shares for sale in the various jurisdictions where shares are sold; (iii) preparation and printing of shareholder reports, prospectuses and proxy materials; and (iv) possible further savings in custodian fees and other expenses. It is estimated by Applicants that their combined expenses in the twelve months ended December 31, 1975, assuming that IFA's current Investment Advisory and Service Agreement had been in effect throughout the period, would have been reduced by more than \$185,000 had the Funds had been combined during that period.

Notice is further given that any interested person may, not later than July 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-20086 Filed 7-12-76;8:45 am]

[File No. 1-6930]

NEONEX INTERNATIONAL, LTD.

Application to Withdraw from Listing and Registration

JULY 2, 1976.

The above name issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In order for the Company to facilitate expansion of its business operations in Canada (particularly with respect to the field of broadcasting), the Company has concluded that it would be helpful if it were to withdraw from listing and registration on this United States securities exchange. The American Stock Exchange does not object to this application, and the Company will continue to file periodic reports with the Commission pursuant to Section 12(g) of the Exchange Act.

Any interested person may, on or before July 27, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-20087 Filed 7-12-76;8:45 am]

[Release No. 12595 (SR-PSE-76-9)]

PROPOSED RULE CHANGE BY PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

JULY 2, 1976.

On March 1, 1976, the Pacific Stock Exchange Incorporated 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.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends the provisions of Rule VI of the Pacific Stock Exchange Incorporated to reflect the adoption of the Uniform Net Capital Rule, and amplifies upon the conditions under which the Exchange may impose restrictions on the activities of its member organizations. In addition, the proposed rule change sets forth additional steps which the Exchange may require a member organization to take as appropriate corrective action for the conditions enumerated in the Rule. Further, the proposed rule change transposes the amended provisions of Rule XI to Rule V.

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. 34-12495, (May 28, 1976)) and by publication in the Federal Register (41 F.R. 22898 (June 7, 1976)).

The Commission finds that the proposed rule change is consistent with the requirement of the Act and the rules and regulations thereunder applicable to the Pacific Stock Exchange Incorporated, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change 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.76-20088 Filed 7-12-76; 8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on July 26, 1976 at 55 Water Street, Twenty-third Floor, New York, New York. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the recently initiated FOCUS reporting system and recent developments in the areas of trading forms, assessment forms and registration forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in de-

veloping a coherent, industry-wide coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and implementing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149; Securities Exchange Act Release No. 11748; Securities Exchange Act Release No. 11935).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliro II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-20089 Filed 7-12-76; 8:45 am]

[Release No. 9335; 812-3888]

ACACIA NATIONAL LIFE INSURANCE CO. AND ACACIA NATIONAL VARIABLE ANNUITY ACCOUNT A

Application for Approval

JULY 1, 1976.

Notice is hereby given that Acacia National Life Insurance Company ("Acacia National Life"), a Virginia stock life insurance company, and Acacia National Variable Annuity Account A ("Variable Account A"), 51 Louisiana Ave., N.W., Washington, D.C. 20001, a separate account of Acacia National Life registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (hereinafter collectively referred to as "Applicants"), filed an application on December 19, 1975, and amendments thereto on February 6, 1976, and June 25, 1976, pursuant to Section 11 of the Act, for an order approving certain offers of exchange, and pursuant to Section 6 (c) of the Act for an order of exemption from Sections 26(a), 27(a)(3), and 27 (c)(2) of the Act to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Acacia National Life, a wholly-owned subsidiary of Acacia Mutual Life Insurance Company, established Variable Account A as a facility for issuance of certain variable annuity contracts ("Variable Contracts"). Variable Account A contains two series of accumulation and annuity units, each of which represents the investment results of shares issued by two funds of Acacia Fund Corporation—Acacia Growth Fund and Acacia Income Fund.

Acacia National Life will offer Variable Contracts to individuals and groups. The Variable Contracts include single purchase payment contracts with annuity payments commencing immediately ("immediate Variable Contracts") and both single and flexible purchase payment contracts with annuity payments commencing at a future date ("deferred Variable Contracts"). The Variable Contracts are designed for use by individuals to supplement retirement income, for pension and profit-sharing plans established by corporations and self-employed persons which qualify under Section 401 of the Internal Revenue Code, for annuity purchase plans of public school systems and certain tax-exempt organizations which qualify for tax-deferred treatment under Section 403(b) of the Code and for individual retirement accounts established to qualify under Section 408 of the Code.

Acacia National Life makes a deduction from each purchase payment received under a Variable Contract for sales expense and premium taxes, if any. In addition, a deduction of 0.5% is made from each purchase payment for the minimum death benefit for all deferred Variable Contracts. The deduction for sales expense for individual flexible purchase payment Variable Contracts is 6.75% for the first \$1,000 of annual purchase payment and 4.75% of any annual purchase payment in excess of \$1,000. The deduction for sales expense for all other Variable Contracts is:

Annual purchase payment:	Deduction (percent)
1st \$1,000	6.75
Next \$19,000	4.75
Next \$20,000	4.00
Next \$20,000	2.00
Next \$40,000	1.50
Next \$100,000	1.00
Excess over \$200,000	.50

Annual Purchase Payment as used above means all purchase payments allocated to an individual's account during a contract year for an individual Variable Contract and during a participant's certificate year for a group Variable Contract. If, at the time the first purchase payment for a group Variable Contract year is received by Acacia National Life, there is evidence satisfactory to Acacia National Life that the total purchase payments for the group Variable Contract for that contract year will be at least \$15,000, the deduction applicable to the first \$1,000 for each individual will be 4.75% in lieu of the 6.75% shown in the above table.

SECTION 11

Under Variable Contracts, owners and participants may allocate net purchase payments to any series of Variable Account A for variable benefits or to Acacia National Life's general account to provide for fixed accumulation. Applicant's propose to permit contract owners or participants under group Variable Contracts to transfer accumulation units from one Variable Account A series to another. Upon receipt of an election to effect a transfer between series, Acacia National Life will transfer the amount

In a single sum as of the day written notice is received by Acacia National Life, and at the accumulation unit value in effect for purchase payments received on that day. An election may be made to transfer all or part of the accumulation values in equal monthly installments during the 24 months or less prior to the date annuity payments are scheduled to commence. Monthly transfers will be based upon the value of the affected series at the close of business on the day such transfer of accumulation units occurs. An election which specifies monthly transfers or will otherwise result in the elimination from the individual's account of any fixed dollar accumulation value or variable accumulation value representing either series will result in a reallocation of subsequent purchase payments. Otherwise the allocation of such purchase payments will not be changed by any election to make transfers. Except with the consent of Acacia National Life, no single sum transfers may be made within five years of a previous transfer, although, without regard to this limitation, a final election may be made for a lump sum transfer of accumulation values within an individual's account between 30 and 90 days before the commencement of annuity payments, provided monthly installment transfers are not being made. An election to make monthly transfers may be rescinded provided written notice is received by Acacia National Life on or before the date the transfer is to be made. No transfers may be made once annuity payments commence. No partial transfers may be made if it would reduce the fixed dollar accumulation value or the accumulation value of either series below \$250.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of the security of such company or any other open-end investment company to exchange a security for a security in the same or another company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that the right of transfer between series will afford owners and participants the opportunity to change investment objectives, recognizing that the investment objectives or retirement needs of participants and individuals might change over the years. No special charge is made for effecting the transfer, which therefore is made at the equivalent of "relative net asset values" required by Section 11(a). Applicants request an order pursuant to Section 11 of the Act to permit such transfers.

SECTION 26(a) AND SECTION 27(c) (2)

Sections 26(a) and 27(c) (2), as here pertinent, provide in substance that periodic payment plan certificates of a registered unit investment trust may not be sold unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank as trustee or custodian and are held under an agreement of custodianship containing specific provisions. Section 26(a) of the Act, in pertinent part, specifies that any such agreement must provide that (i) the trustee or custodian shall have the possession of all property of the unit investment trust and segregate and hold the same in trust, subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of Section 26(a) (2) until distribution to the security holders of the trust; (ii) the custodian bank shall not resign until the trust has been liquidated or a successor has been appointed; (iii) the custodian bank may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of the expenses incurred as are provided for in the agreement; and (iv) no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except as a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Net purchase payments under the Variable Contracts allocated to Variable Account A will be invested in either or both of two funds of Acacia Fund Corporation available as the underlying investment media for Variable Account A. The shares of these funds are issued in an open account arrangement without the issuance of stock certificates. Ownership of the mutual fund shares will be shown only on the books and records of Variable Account A and of Acacia Fund Corporation. Ownership will not be represented by certificates which require custodianship for safekeeping purposes. Under the arrangement Acacia National Life will maintain separate records for each series of Variable Account A. Acacia National Life will maintain a record of all purchases and redemptions of the mutual fund shares in each applicable Variable Account A series, and is responsible for the preparation of reports to the Securities and Exchange Commission and others where required. Under this arrangement, Acacia National Life will pay for the expenses of safekeeping of Variable Account A assets.

Acacia National Life does not meet the qualifications prescribed in Section 26(a) of the Act, and the arrangement does not create a trust with respect to the assets of Variable Account A because Acacia National Life, as a life insurance company, must retain ownership and control of the disposition of its property under Virginia law. Accordingly, an exemption is requested from the provisions of Section 26(a) and Section 27(c) (2) to

any extent necessary to make the requirement of a trust inapplicable.

Applicants state that Acacia National Life is subject to extensive supervision and control by the Commissioner of Insurance for the Commonwealth of Virginia and the comparable official in each state in which it does business. Such supervision includes the filing of complete and detailed reports not only in Virginia, but in each state in which it does business. Acacia National Life's activities are subject to constant review by the Virginia Insurance Department and its representatives at all times, and is subject to comprehensive examination periodically. Acacia National Life's obligations under Variable Contracts are general obligations of Acacia National Life and they may not be abrogated. Any substitution of underlying securities of Variable Account A can only take place in the manner described in the prospectus for Variable Account A and then only on prior favorable vote of the persons having an interest in the affected Fund of Acacia Fund Corporation to be substituted, and prior approval of the Securities and Exchange Commission. As further protection, Acacia National Life maintains with Federal Insurance Company of New York a commercial blanket bond for \$500,000. The same bond includes an excess securities coverage endorsement in the amount of \$1,000,000. It is intended that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under Variable Contracts will be performed, and that orphanage of Variable Account A will not occur.

Applicants consent that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Securities and Exchange Commission shall prescribe and the Commission may reserve jurisdiction for that purpose; and (2) that the payment of sums and charges for services out of the assets of Variable Account A shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

SECTION 27(a) (3)

Section 27(a) (3) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any

other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Under the table of percentage rates of deductions for sales expense contained in the Variable Contracts it is possible that the percentage of sales load deducted from payments made in any contract year after the first year could be higher than the percentage deducted from payments made in any previous contract year. For example, if payments during the first contract year amount to \$2,000, the sales deduction would be at the rate of 6.75% on the first \$1,000 of payments and 4.75% on the next \$1,000 of payments. However, payments up to \$1,000 in the second contract year would be subject to a sales load deduction at the rate of 6.75%. In addition, the 2% sales load imposed upon sums paid under the repayment privilege described in the application might result in sales load deductions contrary to the uniformity provisions of Section 27(a)(3) of the Act.

Applicants state that Section 27(a)(3) of the Act was designed to curb abuses associated with front-end load arrangements on mutual fund contractual plans and the sales deduction schedule proposed to be used here may be exempted from Section 27(a)(3) of the Act since the schedule does not involve a front-end load arrangement and therefore cannot lead to the abuses intended to be curbed by that Section. In no event will the sales load deducted from any payment under the Variable Contracts be in excess of the statutory limitation of 9%. An exemption is requested from Section 27(a)(3) of the Act to permit the schedule of sales load deductions proposed by Applicants, provided that the percentage amount of sales load deducted will not exceed 9%.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of the investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given. That any interested person may, not later than July 7, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations pro-

mulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-20133 Filed 7-12-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Meeting

JULY 8, 1976.

Notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet at 9:30 a.m. in Room 712, 1800 G Street, N.W., Washington, D.C. on Wednesday, August 4, 1976.

The principal agenda items will be discussions of classified information. In addition, the professional background and qualifications of various individuals will be discussed in order to recommend the addition of new members to the Council. Since the first matter will concern information covered by 5 U.S.C. 552(b)(1), and the second will be covered by 5 U.S.C. 552(b)(6), the meeting will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463).

Information regarding the Committee may be obtained from Lt. Comdr. Peter S. Labyak, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202/395-4737).

L. DANIEL O'NEILL,
Advisory Committee
Management Officer.

[FR Doc.76-20153 Filed 7-12-76;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-945]

SAGAMORE SHOE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 21, 1976 the Department of Labor received a petition dated June 17, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Sagamore Shoe Company, Inc., Sagamore, Massachusetts (TA-W-945).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has institu-

ted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather bags produced by Sagamore Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-20186 Filed 7-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY 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 Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held July 28th through July 30th, 1976, 9 am E.D.T. through 4 pm daily, in Conference Room 5A and B-ATSA Headquarters, 800 Independence Ave. SW, Washington, D.C. The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedure and practices for standardization,

clarification, and upgrading of terminology and procedures.

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 Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave. S.W., Washington, D.C. 20591, telephone (202) 426-3725. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on July 2, 1976.

FRANKLIN L. CUNNINGHAM,
Executive Director, ATPAC.

[FR Doc.76-20432 Filed 7-12-76; 12:23 pm]

INTERSTATE COMMERCE COMMISSION

[Notic No. 90]

ASSIGNMENT OF HEARINGS

JULY 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appro-

priate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 76032 (Sub-No. 312), NavaJo Freight Lines, Inc., now assigned July 23, 1976, at Phoenix, Ariz., is canceled and transferred to Modified Procedure.

MC 121658 (Sub-No. 7), Steve D. Thompson, now being assigned for continued hearing on August 10, 1976 (2 days), at the Sheraton Hotel, I-10 and College Drive, Baton Rouge, La.

FF-C 62, Rail Van, Inc., Freight Handlers, Inc., Foutty Freight, Inc., Traller Train, Inc., Trans-Rail, Inc., Lee Lydic, and Robert Marden—Investigation of Operations now being assigned November 1, 1976 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 33446 (Sub 3), The Redifer Bus Company, now being assigned October 27, 1976 (3 days) at Cleveland, Ohio, in a hearing room to be later designated.

MC 135277 (Sub 3), Priority Freight Systems, Inc., now being assigned November 2, 1976 (2 days) at Columbus, Ohio, in a hearing room to be later designated.

MC 141603 (Sub 1), Alert Trucking, Inc., now being assigned November 4, 1976 (2 days) at Columbus, Ohio, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20194 Filed 7-12-76; 8:45 am]

[Exemption No. 127]

BESSEMER AND LAKE ERIE RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

To: Bessemer and Lake Erie Railroad Company, The Baltimore and Ohio Railroad Company, The Chesapeake and

Ohio Railway Company, Western Maryland Railway Company.

It appearing, that the Bessemer and Lake Erie Railroad Company (BLE), The Baltimore and Ohio Railroad Company (BO), The Chesapeake and Ohio Railway Company (CO), and Western Maryland Railway Company (WM) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by any of these carriers without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

BLE	BO	CO	WM
BLE.....	BO	CO, PM	WM

Effective July 1, 1976.

Expires September 30, 1976.

Issued at Washington, D.C., June 29, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-20193 Filed 7-12-76; 8:45 am]

federal register

TUESDAY, JULY 13, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary



LEAD-BASED PAINT POISONING
PREVENTION IN HUD-ASSOCIATED
HOUSING AND FEDERALLY
OWNED PROPERTY TO BE SOLD
FOR RESIDENTIAL HABITATION

Title 24—Housing and Urban Development
SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-339]

PART 35—LEAD-BASED PAINT POISONING PREVENTION IN HUD-ASSOCIATED HOUSING AND FEDERALLY OWNED PROPERTY TO BE SOLD FOR RESIDENTIAL HABITATION

Revision of Part

The Department of Housing and Urban Development (HUD) published notice on June 25, 1975, at 40 FR 26974, proposing revisions to Part 35 of this chapter regarding lead-based paint poisoning prevention in order to implement the provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91-695, as amended by Pub. L. 93-151, (42 U.S.C. 4801, et seq.) (hereinafter referred to as "the Act").

Since the enactment of Pub. L. 93-151, November 9, 1973, which amended the Lead-Based Paint Poisoning Prevention Act, (42 U.S.C. 4801), HUD has been engaged in a continuing effort to clarify the complex issues related to lead-based paint poisoning and to determine the most cost-effective and practical methods to best effectuate the Congressional intent expressed in section 302 of the Act. To this end, the Department has developed a comprehensive program for addressing the threat that lead poisoning poses to the life and safety of children.

In addition to earlier regulations prohibiting the use of lead-based paint in HUD-associated properties pursuant to the 1971 Act, HUD also issued regulations in 24 CFR Part 35 implementing the provisions of 42 CFR Part 90 prohibiting the use of lead-based paint in Federally owned and assisted residential structures. To assist in its evaluation of these regulations in light of the amendments to the 1971 Act, HUD held four days of public hearings, May 20-23, 1974, for the purpose of obtaining information relating to the causes, treatment and elimination of lead poisoning.

Written comments and testimony at the hearings covered the full spectrum of technical opinions and advice of health experts, tenants, environmental specialists, engineers, real estate brokers, landlords, homeowners, State and local officials, representatives from chemical laboratories, and representatives of paint manufacturers. A variety of points of view were expressed in the testimony with respect to the nature, source and solution to the problem. While there appeared to be agreement that lead-based paint probably is the most serious source of poisoning, there was also considerable testimony regarding the relative importance of other sources of lead poisoning such as dust, dirt, gasoline and other pollutants, as well as socio-economic factors which are important contributing agents to lead poisoning found in children. There were also differences of opinion as to what amount of lead in the blood constitutes a hazard.

The hearings were recorded and a transcript of the record and copies of

the written comments are available to the public during regular office hours in Room 8136, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

In discussing solutions to the problem, a number of experts at the HUD hearings recommended that the focus of deleading activities should be on housing where children with elevated blood levels reside. This "health approach" would involve an initial screening of children to determine their blood lead level, the identification and treatment of children found to have an elevated blood lead level and the deleading of the homes in which such children reside. In contrast, a "housing approach" would involve an inspection of all housing for lead-based paint and removal of such paint where found, regardless of the age and blood lead level of the inhabitants. While completely removing all lead-based paint from all housing could substantially eliminate one source of lead poisoning, the potential costs involved would be prohibitive. In addition, such costs could adversely affect the value of the housing involved and could also substantially reduce the supply of otherwise standard housing available to low and moderate income families.

In addition to the hearings, HUD also conducted an informal survey of local codes, ordinances and administrative procedures regarding lead based paint hazard abatement. The Department found that a "health approach" was used almost universally. While localities vary in their specified abatement requirements, such requirements were found to be enforced primarily when a child with an elevated blood lead level (as locally defined) is found.

In support of a "health approach", there are numerous local programs, aided by funds from the Department of Health, Education and Welfare's Childhood Lead Poisoning Control Program, that test children for elevated blood lead levels and treat those who have potentially hazardous levels of lead in their blood. In addition to the specific project grant funds, Medicaid may also be available to pay for the screening and the treatment of children of low-income families who are eligible for Medicaid assistance.

During the period of HUD's evaluation of the problem, the Department instituted interim procedures for alerting all residents in older HUD-associated properties to the potential hazards of lead-based paint by requiring that all purchasers and tenants of HUD-associated properties constructed prior to 1950 be notified that such potential hazards may be present, and informing them of the symptoms of lead poisoning and the precautions to be taken to avoid poisoning.

Until the last few years, there had been very limited information available on the medical, environmental and technological nature of lead poisoning—its cause, treatment and prevention. Because of the complex nature of the problem, HUD has instituted a comprehensive research program. Cost-effective solutions to lead poisoning and hazard

prevention are highly sensitive to technological developments. Consequently, research is a critical element in addressing the problem. HUD's research effort has been directed toward understanding the nature and extent of lead-based paint in lead poisoning and toward the development of improved methods for the detection and elimination of lead-based paint hazards. HUD has and will continue to seek the ideas and suggestions of interested and expert parties in meeting these goals.

In 1974, HUD substantially expanded the research and demonstration program initiated in 1972. Early research projects conducted through the National Bureau of Standards assessed the magnitude of the problem and the technology available for detecting and mitigating lead hazards. These initial research projects resulted in 24 research reports and provided essential basic information on which the current, much expanded, research and development program is based. These reports are available to the public through the National Technical Information Service.

An extensive program of immediate and long-range objectives has been established for the research program. These include, in cooperation with other Federal agencies, a program to identify all sources of lead poisoning and to quantify the contribution of each source, including lead-based paint. It has been determined through research and from evidence given by experts at the public hearings that lead-based paint is only one source of lead in the environment, although present indications point to it as a serious source. It remains unclear, however, to what extent lead-based paint or other sources, such as dust, dirt, gasoline and other pollutive substances, contribute to the total incidence of lead in the environment and to what extent each is a contributing factor in lead poisoning in children. In cooperation with the Environmental Protection Agency, the National Science Foundation and the National Institutes of Health, the HUD lead-based paint research program has undertaken a series of projects to determine the sources and causes of undue lead ingestion.

Utilizing data from HEW funded and other local programs and HUD surveys, HUD is attempting to develop a basis for establishing a national standard for determining what level of lead-based paint on surfaces constitutes a hazard. In this connection, research programs are seeking to develop a less costly and more sensitive method for detecting the presence of lead-based paint. Present methods are either very time consuming and inefficient or unreliable. HUD has awarded contracts for development of improved methods for the inexpensive, reliable detection of low levels of lead-based paint on walls.

Further, HUD is seeking to develop more efficient and cost-effective methods for eliminating lead-based paint hazards. Major activities include the following: A multi-city experimental program to test existing technology; development of new technologies, i.e., the testing of acerbic (bad tasting) paints and encourage-

ment for private industry doing research in this field; and development of program strategies to assist state and local governments to combat lead poisoning in the most effective manner. Jointly with HEW, the HUD research program is funding local demonstration programs to improve local program management, to effectively combine health and housing strategies in alleviating lead poisoning and to mobilize local resources for the long-term funding of lead poisoning control programs. HUD is also establishing a clearinghouse to provide for the rapid dissemination of the results of HUD research to the various user groups. HUD anticipates that this research effort will provide medical and technical solutions to effectively address this serious childhood disease. Interested parties are continuously requested to send research suggestions to the Lead-Based Paint Research Program, Room 8136, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

In re-evaluating the proposed regulations, HUD gave careful consideration to many factors: information received at the Department's public hearings; reports of HUD research and development programs; anticipated results of the short- and long-term research programs; the impact of alternative solutions on the supply of housing for low and moderate income families; limitations on HUD's legal authority to deal with housing other than that which is under the jurisdiction of this Department; a survey of local codes and procedures for lead based paint poisoning abatement and the costs involved in relation to the benefits to be derived. In addition, the Department has carefully evaluated all comments received in response to the June 25, 1975 notice of proposed rulemaking.

These revised regulations implement the requirements of section 302 of the Act for the establishment of procedures to eliminate as far as practicable the immediate hazards of lead based paint poisoning with respect to HUD-associated housing and federally owned property to be sold for residential habitation. These regulations do not purport to incorporate a "health approach" of child screening followed by hazard elimination, since this Department has neither the capability nor the mandate to undertake a program of child screening for lead even though the "health approach" would be an effective method. Given the vast number of housing units containing lead, the high cost of presently available methods of abatement and the fact that excessive lead absorption only occurs in a small percentage of children, screening is one method whereby finite resources can be directed to children adversely affected rather than to generalized abatement. HUD is mandated, under the statute, however, to eliminate, as far as practicable, the immediate hazards of lead-based paint in all housing subject to the Act without regard to the risk factor; and has adopted the methods it believes most reasonable in carrying out this mandate.

The Department has determined that, in view of the limiting language of Section 302 to removal of "immediate hazards" to the extent practicable and the extension of coverage to all HUD-associated housing, the requirement for elimination of defective paint conditions (cracking, scaling, chipping, peeling or loose paint) is the most practicable method at this time. These final regulations will be subject to continuing evaluation and review by HUD for the purpose of further modification and revision as new information becomes available through continuing medical and technological research programs.

The final regulations include: a new Subpart A entitled Notification to Purchasers and Tenants of HUD-Associated Housing Constructed Prior to 1950 of the Hazards of Lead-Based Paint Poisoning; a new Subpart B entitled Prohibition Against the Use of Lead-Based Paint in HUD-Associated Housing; a new Subpart C entitled Elimination of Lead-Based Paint Hazards in HUD-Associated Housing; a new Subpart D entitled Local Codes and Regulations; and a new Subpart E entitled Elimination of Lead-Based Paint Hazards in Federally Owned Properties Prior to Sale for Residential Habitation.

The new Subpart A implements the provisions of the Act regarding notification to purchasers and tenants of the hazards of lead-based paint in housing covered by an application for mortgage insurance or housing assistance payments constructed prior to 1950 and administratively extends the notification requirement to all other HUD-associated housing constructed prior to 1950.

The new Subpart E implements the provision of the Act authorizing the Secretary to establish and implement procedures to eliminate the hazards of lead-based paint poisoning in all federally-owned properties prior to sale when their use is intended for residential habitation. This Subpart is applicable to all properties owned by Federal agencies when sold by such agencies for residential habitation and directs such agencies to inspect for and eliminate immediate hazards of paints which may contain lead in such properties, and to comply with the notification requirement under § 35.5 (a).

The Subparts designated B, C and D modify the existing requirements and procedures in the current Subpart A and B of 24 CFR Part 35. The definition of "lead-based paint" is revised. The definition of "health hazards" is deleted and a definition of "immediate hazards" substituted.

In response to the June 25, 1975 notice of proposed rulemaking, the Department received ten comments. All of the comments were carefully reviewed and considered by HUD and, based upon such comments, certain changes have been made to the proposed regulations, as set forth below. A discussion of the major changes as well as the more significant comments follows:

1. Several comments recommended that the definition of "Applicable Sur-

faces" contained in § 35.3(g) be modified to make it clear that all interior surfaces are subject to the requirements of the regulations; whether or not they are accessible to children. The Department has adopted this suggestion by adding the language "whether accessible or not" following "interior surfaces."

2. The suggestion was made that prospective purchasers and tenants of housing subject to the regulations should be notified of the hazards of lead based paint poisoning before they have purchased or rented the property. The Department has adopted this suggestion by changing the language of § 35.5(a) to require that such notification of lead based paint hazards be given to prospective purchasers and tenants prior to their purchase or rental. A new § 35.56 (a)(4) has been added requiring that the notice required under § 35.5(a) be given to prospective purchasers of federally owned property where its use is intended for residential habitation.

3. Three comments suggested modifications in the language of the notification requirements. Concern was expressed that the language was unnecessarily complex, and did not provide for Spanish translations. Questions were also raised as to whether the language of the notifications implied that a child would usually show symptoms of lead poisoning. The Department has responded to these comments by substantially simplifying and shortening the notifications (See Appendix I). When published for mass distribution, these notifications will be accompanied with appropriate visual and graphic illustrations. Notifications will be printed in both English and in Spanish translations. Finally, the language of the notifications has been corrected to state that there are usually no signs of lead poisoning.

4. Two comments objected to the regulations in light of a 1973 ruling of the Federal District Court in *City-Wide Coalition Against Childhood Lead Paint Poisoning vs. Philadelphia Housing Authority and HUD*, 356 F. Supp. 123 (E.D. Pa., 1973). It was the finding of the Court in *City-Wide* that, prior to the sale of a HUD-owned acquired property, HUD is required to abate lead paint hazards in conformity with the local Philadelphia ordinance, including removal or covering of lead-based paint on flaking or peeling walls and the removal of lead paint from intact but accessible woodwork and trim. The Department is in compliance with the ruling of the Court in *City-Wide*.

5. Two comments took issue with the Department's interpretation of section 302 of the Act. These comments expressed the opinion that the statutory language fails to provide for any distinction between "immediate" and "potential" hazards, that section 302 mandates the elimination of all lead paint hazards, irrespective of practicality, in federally-owned units, and that the limitation of "as far as practicable" applies only to HUD-associated (but not federally-owned) units. The Department is of the legal opinion that the phrase "procedures to eliminate as far as practicable

the hazards of lead paint poisoning," which describes existing housing covered by an application for mortgage insurance or housing assistance payments, is similar to the phrase "procedures to eliminate the hazards of lead-based paint poisoning" which is applied to federally owned properties prior to sale. Section 302 provides that the procedures to eliminate as far as practicable the hazards of lead-based paint poisoning in HUD assisted housing shall, as a minimum, provide for appropriate measures to eliminate "as far as practicable" immediate hazards. Although this minimum requirement is not mentioned with regard to federally-owned property, the House Report summary of the 1973 amendments to the Act provides that:

Similar procedures would be established and implemented for all Federally-owned property being sold for residential purposes. (H.R. Rep. No. 93-373, 93rd Cong., 1st Sess. 10 (1973).)

The Department does not believe that Congress intended to require the establishment of more stringent procedures for disposition of federally-owned properties than for properties covered by FHA insurance or housing assistance payments, because the major source of federally-owned properties is acquisition after default on an insured mortgage. Nothing in the legislative history indicates that Congress intended to impose any financial burden upon the mortgage insurance funds by the establishment of a dual standard which could result in such a burden. The definition of "HUD-associated" properties in § 35.3(e) therefore includes both HUD-owned as well as other HUD-assisted structures.

6. Several comments suggested the need for more stringent enforcement provisions, including annual inspections, special notices when specific hazards are discovered, remedies for violations, and specific time limitations for compliance. These suggestions have not been adopted. The Department does not believe it necessary to provide detailed inspection and enforcement procedures in these regulations, since each Assistant Secretary will, as directed by the regulations, implement those inspection and enforcement procedures most appropriate for the particular HUD programs within his or her jurisdiction.

7. Several comments questioned the distinction made in the regulations between "immediate" and "potential" hazards, asserting that all intact paint should be required to be removed, based on accessibility and lead content. As discussed above, HUD has determined that cracking, scaling, chipping, peeling, or loose paint presents the most immediate hazard and removal of such paint is the most practicable step at this time.

8. In response to comments, the Department is also revising the regulations to make explicit its intention to comply with State or local laws, ordinances, codes or regulations governing lead based paint hazard abatement enforcement. Section 35.40 on local codes and regulations has been amended accordingly.

An environmental impact statement pursuant to the National Environmental

Policy Act of 1969 was prepared and circulated for public comment with respect to these final regulations. A copy of the final environmental impact statement, including the comments received on the draft impact statement and our response to those comments, is available for public inspection during regular business hours, in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development and in the Information Centers of HUD's Regional Offices.

Accordingly, Part 35 of Title 24 is revised to read as follows:

Subpart A—Notification to Purchasers and Tenants of HUD-Associated Housing Constructed Prior to 1950 of the Hazards of Lead-Based Paint Poisoning

- Sec.
35.1 Purpose and scope.
35.3 Definitions.
35.5 Requirements.

Subpart B—Prohibition Against the Use of Lead-Based Paint in HUD-Associated Housing

- 35.10 Purpose and scope.
35.12 Definitions.
35.14 Requirements.

Subpart C—Elimination of Lead-Based Paint Hazards in HUD-Associated Housing

- 35.20 Purpose and scope.
35.22 Definitions.
35.24 Requirements.
35.25 Clearinghouse.

Subpart D—Local Codes and Regulations

- 35.40 Compliance with local laws.
35.42 Requirements.

Subpart E—Elimination of Lead-Based Paint Hazards in Federally-Owned Properties Prior to Sale for Residential Habitation

- 35.50 Purpose and scope.
35.52 Applicability.
35.54 Definitions.
35.56 Requirements.

APPENDIX I—The Danger of Lead Poisoning for Homeowners.

APPENDIX II—The Danger of Lead Poisoning for Renters.

AUTHORITY: Pub. L. 91-695, 84 Stat. 2078, as amended by Pub. L. 93-151 (42 U.S.C. 4801 et seq.); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—Notification to Purchasers and Tenants of HUD-Associated Housing Constructed Prior to 1950 of the Hazards of Lead-Based Paint Poisoning

§ 35.1 Purpose and scope.

This Subpart A establishes procedures to assure that purchasers and tenants of all HUD-associated housing constructed prior to 1950 are notified of the hazards of lead-based paint which may exist in such housing, of the symptoms and treatment of lead-based paint poisoning and of the precautions to be taken to avoid lead-based paint poisoning.

§ 35.3 Definitions.

For the purposes of this subpart, the following definitions are applicable:

(a) "Act" means the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91-695, 84 Stat. 2078, as amended by Pub. L. 93-151, (42 U.S.C. 4801 et seq.).

(b) "Department" or "HUD" means the Department of Housing and Urban Development.

(c) "Secretary" means the Secretary of Housing and Urban Development or a HUD official delegated the Secretary's authority with respect to the Act.

(d) "Assistant Secretaries" means the Assistant Secretaries in the Department of Housing and Urban Development.

(e) "HUD-associated housing" means any residential structure as defined in paragraph (f) of this section, which is owned by the Department or Secretary of Housing and Urban Development or financially assisted under any programs administered by the Secretary, when such structures are being constructed, sold, purchased, leased, rehabilitated (including routine maintenance work), modernized or improved with any form of HUD financial assistance whether by grant, loan, advance, housing assistance payments, the proceeds of a HUD-guaranteed loan or a HUD-insured mortgage.

(f) "Residential structure" means any house, apartment or structure intended for human habitation, including any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center, or extended care facilities, college housing, hospitals, group practice facilities and community facilities.

(g) "Applicable surfaces" means all interior surfaces, whether accessible or not, and those exterior surfaces such as stairs, decks, porches, railings, windows and doors which are readily accessible to children under 7 years of age.

(h) "Potential hazard" means paint (which may contain lead) on applicable surfaces which are in a sound, tight condition, but which may become an immediate hazard, as defined in paragraph (i) of this section, by reason of cracking, chipping, scaling, peeling or loosening.

(i) "Immediate hazard" means paint (which may contain lead) on applicable surfaces which is cracking, scaling, chipping, peeling or loose.

(j) "Defective paint condition" means any paint on applicable surfaces which is cracking, scaling, chipping, peeling or loose.

§ 35.5 Requirements.

(a) Purchasers and tenants of HUD-associated housing constructed prior to 1950 shall be notified, (1) that the property was constructed prior to 1950, (2) that the property may contain lead-based paint, (3) of the potential and immediate hazards of lead-based paint, (4) of the symptoms and treatment of lead-based paint poisoning, and (5) of the precautions to be taken to avoid lead-based paint poisoning (including maintenance and removal techniques for eliminating such hazards). Prospective purchasers of renters shall receive the above notifications prior to purchase or rental. Appendix I, which is attached hereto and made a part hereof, consists of HUD brochures, copies of which shall be used to provide the required notification.

(b) Each Assistant Secretary shall take necessary actions to implement the requirements of paragraph (a) of this section with respect to the HUD programs within his/her administrative jurisdiction.

tion. Such actions shall include the establishment of procedures to (1) provide evidence that the information contained in the appropriate HUD brochures, Appendix I, has been received by purchasers and tenants of HUD-associated housing constructed prior to 1950, and to (2) require the inclusion of appropriate provisions in contracts of sale, rental or management of HUD-associated housing to assure the receipt of the information contained in the appropriate HUD brochures by purchasers and tenants of such housing.

Subpart B—Prohibition Against the Use of Lead-Based Paint in HUD-Associated Housing

§ 35.10 Purpose and scope.

This subpart implements the provisions of 42 CFR Part 90 issued by the Secretary of Health, Education, and Welfare pursuant to section 401 of the Act which are applicable to federal agencies and which prohibit the use of lead-based paint on applicable surfaces of residential structures constructed or rehabilitated by the Federal Government or with federal assistance and establishes procedures to prohibit the use of lead-based paint on applicable surfaces in all HUD-associated housing.

§ 35.12 Definition.

The definitions contained in § 35.3 of Subpart A of this part shall apply to this Subpart B and in addition the following definition is applicable to this Subpart B:

(a) "Lead-based paint" as defined in section 501(3) of the Act means any paint containing more than five-tenths of 1 percentum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

§ 35.14 Requirements.

(a) No office of the Department shall use or permit the use of lead-based paint on applicable surfaces of HUD-associated housing.

(b) Each Assistant Secretary shall implement the requirements of paragraph (a) of this section with respect to the HUD programs within his/her administrative jurisdiction. Implementation shall include the establishment of procedures to require the inclusion of appropriate provisions in contracts and subcontracts involving HUD-associated housing prohibiting the use of lead-based paint on applicable surfaces of such HUD-associated housing and shall include provisions necessary for enforcement of the prohibition.

Subpart C—Elimination of Lead-Based Paint Hazards in HUD-Associated Housing

§ 35.20 Purpose and scope.

This Subpart C implements the provisions of section 302 of the Act with respect to establishing procedures to eliminate as far as practicable the hazards due to the presence of paint which

may contain lead on applicable surfaces of HUD-associated housing.

§ 35.22 Definitions.

The definitions contained in § 35.3 shall apply to this Subpart C.

§ 35.24 Requirements.

(a) Prior to the occupancy of HUD-associated housing, immediate hazards shall be eliminated by the most practicable means. For this purpose, all defective paint conditions shall be assumed to be immediate hazards.

(b) Each Assistant Secretary shall implement or provide for the implementation of the requirements of paragraph (a) of this section with respect to HUD programs within his/her administrative jurisdiction. Implementation shall include the following:

(1) HUD-associated housing shall be inspected to determine whether or not immediate hazards exist. Responsibility for such inspections shall be as follows:

(i) HUD-owned housing that is to be rehabilitated before sale shall be inspected by local HUD staff or, if appropriate, by the property manager as part of the program for management and disposition of HUD-owned property;

(ii) HUD-owned property that is to be sold in an as-is condition shall be inspected by the local HUD staff or by the property manager as part of the program for management and disposition of HUD-owned property prior to the sale of such property or subsequent to the sale but prior to occupancy thereof for residential use: *Provided, however,* That where properties are conveyed to a unit of state or local government, the state or local governmental body shall be responsible for inspection.

(iii) HUD-owned property that is rented or leased for residential use or will be offered for such rental shall be inspected by the local HUD staff or by the property manager as part of the program for management and disposition of HUD-owned properties.

(iv) Existing housing proposed for HUD-FHA mortgage insurance shall be inspected by the local HUD staff or by fee appraisers where otherwise permitted under existing procedures;

(v) Low-income public housing (including occupied units) shall be inspected by the local housing authority, local public agency or other agency responsible for the maintenance, management, repair and operation of such housing;

(vi) In the rehabilitation of HUD-associated college housing, the architect shall be responsible for inspection of the premises;

(vii) In housing assisted with Community Development funds, the appropriate local public agency, local public body, city demonstration agency or unit of local government or agency thereof shall be responsible for inspection of the premises;

(2) Notwithstanding the requirements of paragraph (b)(1) of this section, in the Section 8 Housing Assistance Payments Program, (Sec. 8 of the United

States Housing Act of 1937, as amended by Title II, Housing and Community Development Act of 1974), the owner of the assisted housing shall be responsible for providing a certification to the local HUD staff, the local public housing agency or the state housing agency, if any, that the property has been inspected and treated in accordance with the applicable provisions of this part.

(3) Treatment necessary to eliminate immediate hazards shall, as a minimum, consist of the following:

(i) All surface conditions identified as immediate hazards shall be thoroughly cleaned (washed, sanded, scraped, wire brushed or otherwise cleaned) so as to remove all cracking, scaling, peeling, chipping and loose paint on applicable surfaces. Such surfaces that have been so treated shall then be repainted with two coats of a suitable non-lead paint in accordance with the requirements of § 35.14; or

(ii) Where the paint film integrity of the applicable surface cannot be maintained, the paint shall be completely removed or the surface recovered with a suitable material such as gypsum wallboard, plywood, or plaster before any repainting is undertaken; and

(4) Appropriate provisions for the inspection and elimination of immediate hazards and provisions necessary for enforcement of the requirements shall be included in contracts and subcontracts involving HUD-associated housing.

§ 35.25 Clearinghouse.

In order to facilitate the exchange of information and suggestions with respect to elimination of lead-based paint hazards, the Lead-Based Paint Research Program, Room 8136, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, will serve as a Clearinghouse for suggestions, inquiries and requests for information. The transcript of the hearings held by HUD are available for examination at this office and reports of the research projects undertaken will likewise be made available to interested persons.

Subpart D—Local Codes and Regulations

§ 35.40 Compliance with local laws.

(a) HUD, as owner of federally-owned housing, will comply with State or local laws, ordinances, codes, or regulations governing lead-based paint hazard abatement.

(b) Nothing in this Part 35 is intended to relieve an owner or tenant of HUD-associated housing of any responsibility for compliance with State or local laws, ordinances, codes, or regulations governing lead-based paint hazard abatement.

(c) HUD does not assume any responsibility with respect to inspection, enforcement, interpretation or determination of compliance with such State or local requirements, except that the Federal standard for lead content in paint supersedes any State or local requirement, prohibition, or standard, as provided in section 506 of the Act.

§ 35.42 Requirements.

Each Assistant Secretary shall take necessary actions to implement the intent of § 35.40.

Subpart E—Elimination of Lead-Based Paint Hazards in Federally-Owned Properties Prior to Sale for Residential Habitation**§ 35.50 Purpose and scope.**

This Subpart E implements the provisions of section 302 of the Act which directs the Secretary to establish and implement procedures to eliminate the hazards of lead-based paint poisoning in all federally-owned properties prior to the sale of such properties when their use is intended for residential habitation.

§ 35.52 Applicability.

The requirements established by this Subpart E are applicable to all federally-owned properties prior to their sale by a federal agency when their use is intended for residential habitation.

§ 35.54 Definitions.

The following are applicable to this Subpart E:

(a) "Federal agency" means the United States or any executive departments, independent establishments, administrative agencies and instrumentalities of the United States, including corporations in which all or substantially all of the stock is beneficially owned by the United States or by any of the foregoing departments, establishments, agencies or instrumentalities.

(b) "Federally-owned properties" means any properties owned by a federal agency as defined in paragraph (a) of this section.

(c) "Act" means the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91-695, 84 Stat. 2078, as amended by Pub. L. 93-151 (42 U.S.C. 4801 et seq.).

(d) "Residential structure" means any house, apartment or structure intended for human habitation, including any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center, or extended care facilities, college housing, hospitals, group practice facilities and community facilities.

(e) "Applicable surfaces" means all interior surfaces, whether accessible or not, and those exterior surfaces such as stairs, decks, porches, railings, windows and doors which are readily accessible to children under 7 years of age.

(f) "Immediate hazard" means paint (which may contain lead) on applicable surfaces which is cracking, scaling, chipping, peeling or loose.

(g) "Defective paint condition" means any paint on applicable surfaces which is cracking, scaling, chipping, peeling or loose.

(h) "Use for residential habitation" means the use of a property as a residential structure as defined in paragraph (d) of this section.

§ 35.56 Requirements.

(a) Prior to occupancy of a federally-owned property where its use subsequent

to sale is intended for residential habitation, the federal agency selling the property shall assure that the following steps are taken:

(1) The property is inspected to determine whether or not immediate hazards exist; for this purpose all defective paint conditions shall be assumed to be immediate hazards; and

(2) All surface conditions identified as immediate hazards are thoroughly cleaned (washed, sanded, scraped, wire brushed, or otherwise cleaned) so as to remove all cracking, scaling, peeling, chipping and loose paint on applicable surfaces and then repainted with two coats of a suitable non-lead paint in accordance with the requirements of § 35.14;

(3) Where the paint film integrity of the applicable surface cannot be maintained, the paint shall be completely removed or the surface recovered with a suitable material such as gypsum wallboard, plywood, or plaster before any repainting is undertaken.

(4) Prospective purchasers are provided all notifications described in § 35.5 (a) of this regulation.

(b) The provisions of this Subpart E shall be binding upon all federal agencies as provided by section 302 of the Act; however, nothing contained in this Part 35 shall preclude any federal agency from promulgating such other procedures or additional requirements as may be necessary to implement the provisions of the Act.

APPENDIX I—THE DANGER OF LEAD POISONING FOR HOMEOWNERS

This housing or apartment was built before 1950. There is a possibility that it may contain lead paints. Lead paint is poisonous if eaten. Many children do eat paint flakes and frequently become very sick. You as a parent are in the best position to safeguard your child's health by preventing him or her from eating paint or paint chips. This pamphlet will answer some of your questions about how to know if your child has been eating lead paint and what to do about it.

Lead poisoning is a serious problem in this country. Each year thousands of children under 7 years of age are poisoned when they eat bits of paint containing lead. Children who eat lead can become mentally retarded, blind, paralyzed, or even die. You can safeguard your child's health by preventing him from eating paint chips which may contain lead. The Department of Housing and Urban Development has prepared this pamphlet to make you aware of the problem of lead paint poisoning in the home.

As a parent, you need to know how to prevent the sickness lead paint can cause. You need to know what to do if your child has lead poisoning.

Your child can get lead poisoning by eating paint, dirt, dust, newspaper, or other non-food items containing lead. The most common cause of lead poisoning is lead-based paint. Children can get dangerous amounts of lead from eating even very small amounts of such paint. Unfortunately, usually there are no obvious signs of lead poisoning. Often lead poisoning can seem like a number of other childhood diseases, but if your child has stomachaches and vomiting, has headaches, a loss of appetite, is cranky, or frequently is too tired to play, he may have lead poisoning. Any or all of these symptoms can be signs of lead poisoning. Often, there are no symptoms at all. If anyone tells you that

your child has eaten paint chips or plaster, or if you see any of these signs in your child, he should be tested for lead in his blood as soon as possible. Do not wait too long! Your doctor, local clinic, hospital, or public health department can test your child for lead poisoning. Blood samples can be taken and tested to tell if your child has eaten enough lead to be harmful. In many communities there are blood screening programs operated by local health departments, but screening is usually conducted in older areas of cities where lead-based paint and poisoning is most common. Testing for lead takes only a matter of minutes.

Blood screening programs are usually free and will test children for lead even if they show no symptoms of poisoning and have not been seen eating paint. A number of blood screening programs are supported by the Department of Health, Education, and Welfare, and local health departments. If you are unaware of a screening program in your area, call your public health nurse or social worker at the local health department. If there are no screening programs in your city and you cannot afford testing, the Medicaid program may pay for screening of children both below six years of age and above the age of six, if a doctor says that testing is necessary.

If tests show that your child has a high level of lead in his blood he will need medical supervision and possibly treatment. If treatment is necessary, your doctor, a local clinic, or hospital will be able to remove the lead in his blood. Such treatments may be paid for by Medicaid or your local health department. If testing shows that your child has a lot of lead in his blood, the local health department may send someone to measure the lead paint in your home. Standards for treatment of lead hazards in housing vary from city to city. Follow the directions and guidance of your local health department.

Lead paint is not the only cause of lead poisoning. Your child can be poisoned by eating paint, dirt, or other non-food substances containing lead. Young children put many things besides food in their mouths, but if those objects contain lead, poisoning is possible. Your child can get lead poisoning from eating or chewing on non-food items which contain lead, including dirt, newspaper, and even some pottery, and furniture. Even common household dust sometimes contains high levels of lead. Lead paint which has weathered and fallen to the ground can collect in dust and soil. Exhaust from automobiles which use leaded gasoline also contains lead which can collect in dust and soil. Children should be discouraged from playing in dust and dirt near busy streets where the lead content in soil is likely to be heaviest.

You should stop your child from eating or chewing paint and other objects that may contain lead. Warn your child of the dangers of eating anything other than food if he is old enough to understand. Make sure that the rest of your family and anyone who babysits for you is aware of the lead paint problem and will prevent your child from eating paint. Often children will eat things if they are bored or hungry. Children are safer if they have activities or toys to keep them busy. If your child is not eating properly, you may want to take him to a doctor.

The best way to prevent lead paint poisoning is to keep your home in good shape. The primary source of the lead paint hazard is peeling and flaking paint. Water leaks from faulty plumbing or defective roofs often cause paint to peel or flake from walls and ceilings. Quick repair of such leaks can prevent this.

To prevent peeling paint, most housing units should be repainted every three to five years. Any loose or flaking paint should be

removed by scraping or brushing. Cracked walls should be replastered before new paint is applied. If your walls are cracking or peeling now, you may have a lead paint hazard. If you have small children, there are some things you should do immediately to protect them: (1) Get a broom or stiff brush and remove all loose pieces of paint from walls, woodwork, and ceilings; (2) sweep up all the pieces of paint and plaster; (3) put the sweepings in a paper bag or wrap them in newspaper and put these packages in a trash can; (4) be careful not to leave paint chips on the floor. Always keep the floor clear of loose bits of paint and plaster. Sweeping the floors clean of paint chips is simple, but it is most important. Children can pick loose paint off walls, so be extra careful about keeping loose paint from the lower part of walls where your child can reach. As an emergency measure to protect your child, you can cover up the lower part of walls with adhesive backed paper and you can cover the woodwork which your child might chew with adhesive tape or paper. As an emergency measure, you might also move heavy furniture against walls with peeling paint.

Remember that you play a major role as a homeowner and as a parent in the prevention of lead poisoning. Your actions and awareness about the lead problem can make a big difference.

APPENDIX II—THE DANGER OF LEAD POISONING FOR RENTERS

This housing or apartment was built before 1950. There is a possibility that it may contain lead paint. Lead paint is poisonous if eaten. Many children do eat paint flakes and frequently become very sick. You as a parent are in the best position to safeguard your child's health by preventing him or her from eating paint or paint chips. This pamphlet will answer some of your questions about how to know if your child has been eating lead paint and what to do about it.

Lead poisoning is a serious health problem in this country. Each year thousands of children under 7 years of age are poisoned when they eat bits of paint containing lead. Children who eat lead can become mentally retarded, blind, paralyzed, or even die. You can safeguard your child's health by preventing him from eating paint chips which may contain lead. The Department of Housing and Urban Development has prepared this pamphlet to make you aware of the problem of lead paint poisoning in the home.

As a parent, you need to know what to do to prevent the sickness lead paint can cause. You need to know what to do if your child has lead poisoning.

Your child can get lead poisoning by eating paint, dirt, dust, newspaper, or other non-food items containing lead. The most common cause of lead poisoning is lead-based paint. Children can get dangerous amounts of lead from eating even very small amounts of such paint. Unfortunately, usually there are no obvious signs of lead poisoning. Often lead poisoning can seem like a number of other childhood diseases, but if your child

has stomach aches and vomiting, has headaches, a loss of appetite, is cranky, or frequently is too tired to play, he may have lead poisoning. Any or all of these symptoms can be signs of lead poisoning. Often, there are no symptoms at all. If anyone tells you that your child has eaten paint chips or plaster, or if you see any of these signs in your child, he should be tested for lead in his blood as soon as possible. Do not wait too long! Your doctor, local clinic, hospital, or public health department can test your child for lead poisoning. Blood samples can be taken and tested to tell if your child has eaten enough lead to be harmful. In many communities there are blood screening programs operated by local health departments, but screening is usually conducted in older areas of cities where lead-based paint and poisoning is most common. Testing for lead takes only a matter of minutes.

Blood screening programs are usually free and will test children for lead even if they show no symptoms of poisoning and have not been seen eating paint. A number of blood not been seen eating paint. A number of blood screening programs are supported by the Department of Health, Education and Welfare, and local health departments. If you are unaware of a screening program in your area, call your public health nurse or social worker at the local health department. If there are no screening programs in your city and you cannot afford testing, the Medicaid program may pay for screening of children both below six years of age and above the age of six if a doctor says that testing is necessary.

If tests show that your child has a high level of lead in his blood he will need medical supervision and possibly treatment. If treatment is necessary, your doctor, a local clinic, or hospital will be able to remove the lead in your child's blood. Such treatments may be paid for by Medicaid or your local health department. If testing shows that your child has a lot of lead in his blood, your local health department may send someone to measure the lead paint in your home, and may require treatment by the owner of the unit of the lead paint hazards on walls and woodwork. Such work is often messy and inconvenient, but it is necessary to prevent the possibility of further sickness from lead. Cooperate with any workmen who are sent to correct the lead condition in your home.

Laid paint is not the only cause of lead poisoning. Your child can be poisoned by eating paint, dirt, or other non-food substances containing lead. Young children put many things besides food in their mouths, but if those objects contain lead, poisoning is possible. A child can get lead poisoning from eating or chewing on non-food items which contain lead, including dirt, newspaper, and even some pottery, and furniture. Even common household dust sometimes contains high levels of lead. Lead paint which has weathered and fallen to the ground can collect in dust and soil. Exhaust from automobiles which used leaded gasoline also contains lead which can collect in dust and soil. Children should be discouraged from playing in dust

and dirt near busy streets where the lead content in soil is likely to be heaviest.

You should stop your child from eating or chewing paint and other objects that may contain lead. Warn your child of the dangers of eating anything other than food if he is old enough to understand. Make sure that the rest of your family and anyone who babysits for you is aware of the lead paint problem and will prevent your child from eating paint. Often children will eat things if they are bored or hungry. Children are safer if they have activities or toys to keep them busy. If your child is not eating properly, you may want to take him to a doctor.

The best way to prevent lead paint poisoning is to keep your home in good shape. The primary source of lead paint hazards is peeling and flaking paint. Water leaks from faulty plumbing or defective roofs often cause paint to peel or flake from walls and ceilings. Repair of such leaks can prevent future peeling or flaking. If you have such leaks, or if you have peeling, flaking paint in your apartment, notify the management or landlord.

To prevent peeling paint, most apartments should be repainted every three to five years. It is important to cooperate with the management office when repainting time comes. If your apartment has not been repainted within this period of time, inform the management office, resident manager, or landlord.

You may have a lead paint hazard now if your walls are cracking or peeling. If you have small children, there are some things you should do immediately to protect them. (1) Notify the management office or resident manager or landlord immediately; (2) get a broom or stiff brush and remove all loose pieces of paint from walls, woodwork, and ceilings; (3) sweep up all the pieces of paint and plaster; (4) put the sweepings in a paper bag or wrap them in newspaper and put these in a trash can; (5) be careful not to leave paint chips on the floor, and keep children away from the dust. Always keep the floor clear of loose bits of paint and plaster. Sweeping the floors clean of paint chips is simple, but it is most important. Children can pick loose paint off walls, so be extra careful about keeping the loose paint from the lower part of walls where your child can reach. As an emergency measure, you might also move heavy furniture against walls with peeling paint.

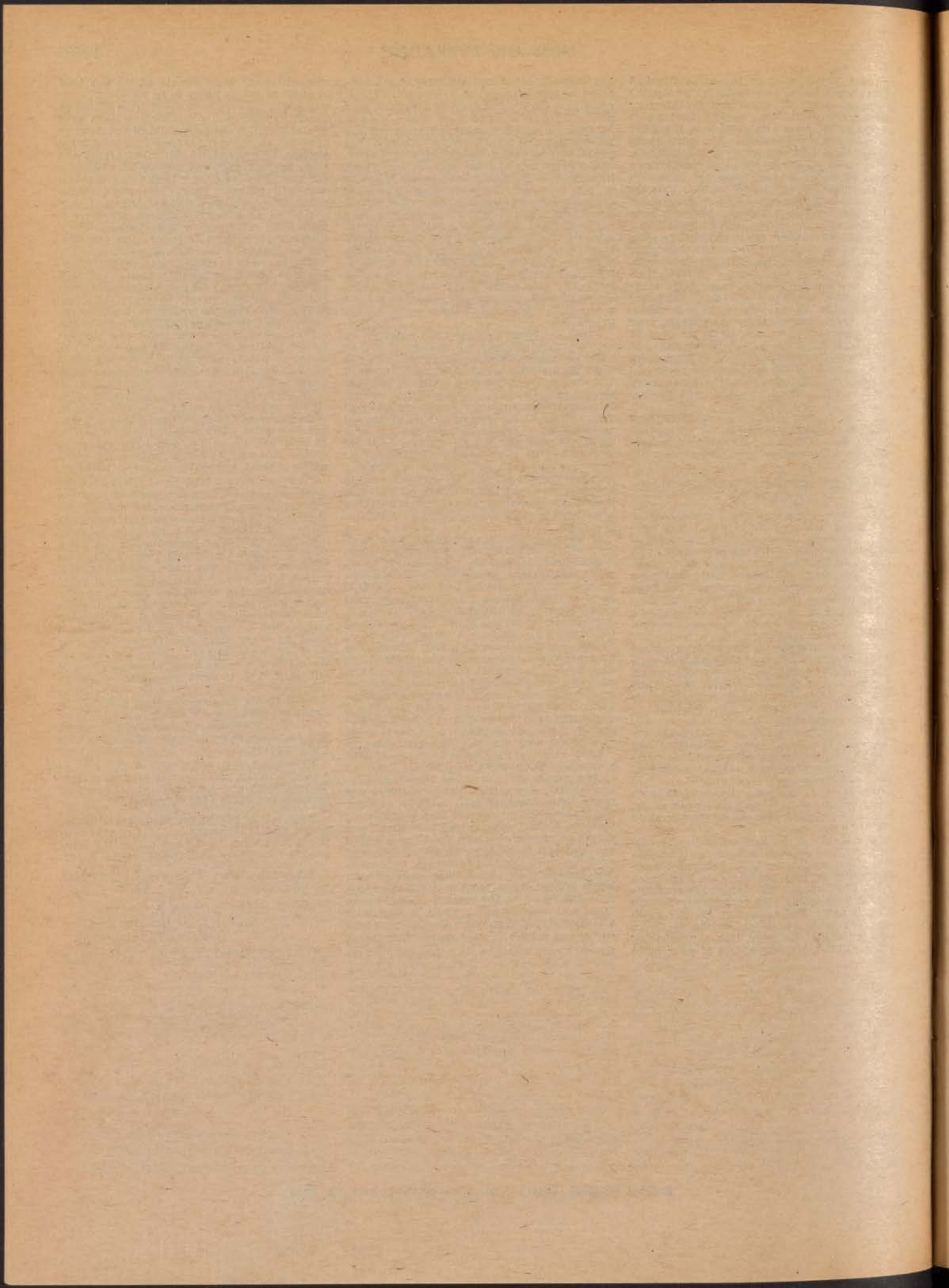
Remember that you play a major role as a parent in the prevention of lead poisoning. Your actions and awareness about the lead problem can make a big difference.

NOTE.—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.

Effective date: This regulation shall be effective on July 13, 1976.

CARLA A. HILLS,
Secretary of Housing and
Urban Development.

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federal register

TUESDAY, JULY 13, 1976



PART III:

**OFFICE OF
MANAGEMENT
AND BUDGET**



**RESCISSIONS AND
DEFERRALS**

Cumulative Report, July 1976

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report; July 1976

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress. The report continues the listing of fiscal 1976 actions in accordance with section 204(12) of the Fiscal Year Transition Act (Pub. L. 94-274). That Act provides for the transition quarter to be treated as part of fiscal 1976 for purposes of section 1014(e).

This month's report gives the status as of July 1, 1976, of the 45 rescissions and 111 deferrals contained in the first sixteen special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, January 6 and 23, February 6,

March 18, April 13 and 26, May 13 and July 1, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

One rescission of \$250,000 in budget authority for the Office of Drug Abuse Policy is presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of July 1, 1976. Attachment A shows the history and status of each rescission proposed during fiscal year 1976 and on July 1, 1976.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of July 1, 1976, \$3,563.2 million in 1976 budget authority was being deferred from obligation and another \$114.7 million in 1976 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1976.

INFORMATION FROM SPECIAL MESSAGES

The sixteen special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V)
 Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II)
 Monday, September 15, 1975 (Vol. 40, No. 179, Part V)
 Monday, September 29, 1975 (Vol. 40, No. 189, Part V)
 Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII)
 Thursday, October 23, 1975 (Vol. 40, No. 206, Part III)
 Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI)
 Thursday, December 4, 1975 (Vol. 40, No. 234, Part II)
 Friday, January 9, 1976 (Vol. 41, No. 6, Part V)
 Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V)
 Wednesday, February 11, 1976 (Vol. 41, No. 29, Part VII)
 Tuesday, March 23, 1976 (Vol. 41, No. 57, Part V)
 Friday, April 16, 1976 (Vol. 41, No. 75, Part VI)
 Thursday, April 29, 1976 (Vol. 41, No. 87, Part IV)
 Monday, May 17, 1976 (Vol. 41, No. 96, Part VI)
 Wednesday, July 7, 1976 (Vol. 41, No. 131, Part III)

JAMES T. LYNN,
Director.

Table B

STATUS OF 1976 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	8,775.3
Routine Executive releases (-\$4,473.7M) and adjustments (-\$245.3M) 1/ through July 1, 1976.....	-4,719.0
Overturned by the Congress 2/ Agriculture:	
Agricultural Research Service Construction (D76-68) (overturned December 4, 1975).....	-7.6
Animal and Plant Health Inspection Service Construction-Fleming Key animal import center (D76-69) (overturned December 10, 1975).....	-6.3
Agricultural Stabilization and Conserva- tion Service	
Agriculture conservation program (D76-70) (overturned December 19, 1975)...	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned December 19, 1975)...	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned December 19, 1975).....	-22.5
Watershed and flood prevention (D76-95) (overturned April 12, 1976).....	-18.0
Resource conservation and development (D76-74) (overturned December 19, 1975)...	-5.0
Food and Nutrition Service	
Special supplemental food program (D76-106) (overturned April 12, 1976).....	-61.0
Forest Service	
Youth Conservation Corps (D76-101) (overturned March 9, 1976).....	-23.7
Corps of Engineers-Civil: Revolving Fund (D76-96) (overturned April 14, 1976).....	-.7
Health, Education, and Welfare:	
Health Services Administration Indian health facilities (D76-39, D76-97) (overturned March 9, 1976).....	-14.9
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned December 4, 1975).....	-1.0
Bureau of Indian Affairs Construction (D76-103) (overturned March 9, 1976).....	-10.9

Table A

STATUS OF 1976 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	3,329.0
Accepted by the Congress:	
Helium fund (R76-6) 1/.....	47.5
Access highways to public recreation areas on certain lakes (R76-2) 2/.....	15.0
Public lands development roads and trails (R76-40) 3/.....	4.9
National Park Service, road construction (R76-41) 3/.....	58.5
State Department-Mutual educational and cultural exchange (R76-42) 3/.....	8.0
Consumer Product Safety Commission (R76-27A) 3/.....	2.7
Selective Service System (R76-44) 3/.....	1.8
Total accepted by the Congress.....	138.3
Rejected by the Congress.....	3,190.4
Pending before the Congress:	
Special Message #16 (transmitted July 1, 1976).....	0.2
1/ Included in the first 1976 rescission bill (P.L. 94-111). 2/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded \$25 million under this head and appropriated \$10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101). 3/ Included in the second 1976 rescission bill (P.L. 94-249).	

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	Amount (in millions of dollars)
Justice:	
Law Enforcement Assistance Administration	
Juvenile justice and delinquency prevention (D76-98) (overturned March 4, 1976).....	-15.0
EPA: (all overturned December 19, 1975)	
Research and development	
Air research (D76-79).....	-2.0
Water research (D76-80).....	-4.6
Abatement and Control	
Air control agency grants (D76-81).....	-3.8
Water quality control agency grants (D76-82).....	-10.0
Clean lakes grants (D76-83).....	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned November 3, 1975).....	-16.5
 Total, deferrals overturned by the Congress ^{2/}	 -378.4
 Currently before the Congress.....	 3,677.9 ^{3/}

^{1/} Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts. An amount equal to \$907.8 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because these adjustments are included in calculating the amount shown on the line "Deferrals proposed by the President."

^{2/} Does not include \$10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

^{3/} Includes \$114.7 million of outlays in two Treasury deferrals--D76-25E and D76-67.

STATUS OF RESCISSIONS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

ATTACHMENT A A-1

As of July 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
<u>Executive Office of the President</u>							
<u>Office of Drug Abuse Policy:</u>							
Salaries and expenses	R76-45	250	07-01-76				
<u>Department of Agriculture</u>							
<u>Agriculture Research Service:</u>							
Construction	R76-15	[225]	12-01-75			225	02-24-76
<u>Agriculture Stabilization and Conservation Service:</u>							
Water Bank Act Program	R76-16	[12,500]	12-01-75			12,500 1/	02-24-76
Forestry Incentives Program	R76-17	[18,750]	12-01-75				
	R76-17A	[18,750]	01-23-76			18,750 2/	02-24-76
<u>Farmers Home Administration:</u>							
Rural Water and Waste Disposal Grants	R76-18	[150,000]	12-01-75			150,000 3/	02-24-76
Rural Development Grants	R76-19	[12,344]	12-01-75				
	R76-19A	[12,344]	01-23-76			12,344 4/	02-24-76
Rural Housing for Domestic farm labor	R76-20	[9,375]	12-01-75			9,375 5/	02-24-76
Mutual and self-help housing	R76-21	[12,287]	12-01-75			12,287 6/	02-24-76
Self-help housing land development fund	R76-22	[1,498]	12-01-75			1,498	02-24-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
<u>Rural housing insurance fund</u>							
	R76-23	[10,000]	12-01-75			10,000	02-24-76
	R76-29	[500,000]	01-23-76			500,000	03-18-76
<u>Rural community fire protection grants</u>							
	R76-24	[4,375]	12-01-75			4,375 2/	02-24-76
<u>Agriculture Marketing Service:</u>							
Payments to States and possessions	R76-25	[2,000]	12-01-75			2,000 8/	02-24-76
<u>Food and Nutrition Service:</u>							
Special milk program	R76-30	[40,000]	01-23-76			40,000	03-18-76
<u>Forest Service:</u>							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
<u>Department of Commerce</u>							
<u>Economic Development Administration:</u>							
Economic development assistance programs	R76-31	[4,000]	01-23-76			4,000	03-18-76
<u>Department of Defense-Civil</u>							
<u>Corps of Engineers-civil:</u>							
Construction, general	R76-32	[3,600]	01-23-76			3,600	03-18-76
<u>Department of Health, Education, and Welfare</u>							
<u>Health Services Administration:</u>							
Health Services	R76-33	[127,804]	01-23-76			127,804 9/	03-18-76
Indian health service	R76-34	[5,294]	01-23-76			5,294	03-18-76

NOTICES

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Center for Disease Control: Preventive health services	R76-35	[7,690]	01-23-76			7,690	03-18-76
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, drug abuse and mental health	R76-36	[56,500]	01-23-76			56,500	03-18-76
Health Resources Administration: Health resources	R76-37	[69,000]	01-23-76			69,000 ^{10/}	03-18-76
Office of Education: Elementary and secondary education	R76-9	[220,404]	11-18-75				
	R76-9A	[210,404]	01-23-76			210,404 ^{11/}	02-20-76
Indian education	R76-38	[15,000]	01-23-76			15,000	03-18-76
School assistance in federally affected areas	R76-10	[220,968]	11-18-75				
	R76-10A	[243,773]	01-23-76			243,773 ^{12/}	02-20-76
Education for the Handicapped	R76-11	[36,375]	11-18-75			36,375 ^{13/}	02-20-76
Occupational, vocational, and adult education	R76-12	[14,241]	11-18-75			14,241 ^{14/}	02-20-76
Higher education	R76-13	[768,140]	11-18-75			768,140	02-20-76
Library resources	R76-14	[28,975]	11-18-75			28,975 ^{15/}	02-20-76
Assistant Secretary for Human Development: Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
Grants for the developmentally disabled	R76-39	[2,000]	01-23-76			2,000	03-18-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Housing and Urban Development: Housing Production and Mortgage Credit: State Housing Finance and Development Agencies	R76-26	[600,000] ^{16/}	12-01-75			600,000	02-24-76
Community Planning and Development: Rehabilitation loan fund	R76-28	[60,670]	01-06-76				
	R76-28A	[62,670]	02-06-76			62,670 ^{17/}	03-12-76
Department of the Interior: Bureau of Land Management: Public lands development roads and trails	R76-40	[8,800] ^{18/}	01-23-76	4,900 ^{19/}	03-25-76	3,900	03-24-76
National Park Service: Road construction	R76-41	[58,500] ^{20/}	01-23-76	58,500 ^{19/}	03-25-76		
Bureau of Mines: Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 ^{21/}		
Department of State: Mutual educational and cultural exchange activities	R76-42	[8,000]	01-23-76	8,000 ^{19/}	03-25-76		
Department of Transportation: Federal Highway Administration: National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	^{22/}	^{22/}	90,000 ^{22/}	04-16-76
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 ^{23/}	11-24-75 ^{23/}	^{23/}	11-24-75
Department of the Treasury: Office of the Secretary: Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
	Research and Demonstration	R76-7	[2,500]24/	07-25-75			
	Community and Economic Development	R76-8	[7,500]24/	07-25-75			
	Community services program	R76-43	[2,500]25/	01-23-76		2,500	03-18-76
Consumer Product Safety Commission:							
	Salaries and expenses	R76-27	[5,225]	12-01-75			
		R76-27A	[6,431]	01-23-76			
				2,656 18/27/	03-25-76	(6,431)26/	02-24-76
						3,775 28/	03-25-76
Selective Service System:							
	Salaries and expenses	R76-44	[1,775]	01-23-76	1,775 19/		03-25-76
TOTAL		250		138,331 29/		3,170,383 30/	

- 1/ \$2.5 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 2/ \$3,750,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 3/ \$25 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 4/ \$2,969,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 5/ \$1,875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 6/ \$2,250,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 7/ \$875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 8/ \$800,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 9/ \$24,645,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 10/ \$2,000,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
- 11/ \$161,634,000 of this amount became available on July 1, 1976.
- 12/ \$194,265,000 of this amount was proposed for rescission without being withheld.
- 13/ \$35 million of this amount became available for obligation on July 1, 1976.
- 14/ \$4 million of this amount became available for obligation on July 1, 1976.
- 15/ \$10 million of this amount became available for obligation on July 1, 1976.
- 16/ For 1976, \$15 million in contract authority and \$15 million to liquidate that contract authority.
- 17/ \$2 million of this amount is an unobligated balance available in the transition quarter.
- 18/ See deferral D76-12.
- 19/ P.L. 94-249.
- 20/ See deferral D76-18.
- 21/ P.L. 94-111.
- 22/ See House Report No. 94-896. Deferral of the \$90 million was reported to the Congress on September 24, 1975, in D76-55. The funds deferred were released on April 16, 1976, because of Congressional inaction on the related rescission request.

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
23/ P.L. 94-134, signed November 24, 1975, rescinds the \$25 million in R76-2 and makes new appropriations of \$10 million.							
24/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975. They were reappropriated in P.L. 94-206 which became law on January 28, 1976, and are available for obligation.							
25/ Appropriated in P.L. 94-157.							
26/ Release as required.							
27/ Includes \$800,000 of transition quarter funds.							
28/ Includes \$806,000 of funds appropriated for the transition quarter that became available July 1, 1976.							
29/ Total includes R76-2 at \$15 million (\$25 million rescinded minus \$10 million appropriated).							
30/ The amounts proposed for rescission in R76-7 and R76-8 (\$10 million) and \$10 million from R76-2 must be added to the amount made available to derive the total for rescissions rejected by the Congress (\$3190.4 million).							

NOTICES

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

ATTACHMENT B

B-1

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Agriculture: Research Service</u>									
Construction	D76-68		7,570	12-01-75 12-05-75		2/	-7,570 3/		0
<u>Animal and Plant Inspection Service</u>									
Construction	D76-69		6,314	12-01-75 12-15-75		8/	-6,314 5/		0
<u>Foreign Agricultural Service</u>									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75 05-26-76			-122 9/		2,110
<u>Agriculture: Stabilization and Conservation Service</u>									
Commodity Credit Corporation Administrative Expenses	D76-71		2,787	12-01-75 12-18-75			-2,787		0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 7/	0
	D76-70		90,000	12-01-75 12-24-75			-90,000 8/		0
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536 5/	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 7/	0
	D76-104		8,072	03-18-76 02-24-76			-8,072		0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Forestry Incentives Program</u>									
	D76-30	[3,750]		07-25-75 10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 7/	0
<u>Farmers Home Administration</u>									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 7/	0
	D76-72		50,000	12-01-75 12-24-75			-50,000 10/		0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050 5/	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 7/	0
<u>Soil Conservation Service</u>									
Watershed and Flood prevention operations	D76-73		22,500	12-01-75 12-24-75			-22,500 11/		0
	D76-95		18,000	01-23-76 04-13-76			-18,000 12/		0
Resource conservation and development	D76-74		4,960	12-01-75 12-24-75			-4,960 13/		0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Agricultural Marketing Service</u>									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400 6/	
	D76-35A		800	10-03-75 10-21-75				-800 7/	0
<u>Food and Nutrition Service</u>									
Special supplemental food program	D76-105		61,000	03-18-76 04-13-76				-61,000 14/	0
<u>Forest Service</u>									
Youth Conservation Corps	D76-101		23,680	02-06-76 03-10-76				-23,680 15/	0
Forest Roads and Trails	D76-36		280,000	07-25-75 01-22-76		-1,303			278,657
Expenses, Brush Disposal	D76-37		27,113	07-25-75 01-22-76 06-02-76		-2,040 -2,752 9/			22,321

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Licensee Programs</u>									
	D76-38	[95]		07-25-75 02-06-76				-95 6/	
	D76-38A		153	02-06-76 06-02-76		-26 9/			127
TOTAL		110,540	759,511		-17,182	-246,460	-37,564	-265,670	303,215

- 1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred (\$10 million). Funds were released on July 16, 1975.
- 2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
- 3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
- 4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
- 5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral. Subsequently incorporated in a supplementary report.
- 6/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
- 8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral. This amount became available for obligation on July 1, 1976.
- 10/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
- 11/ Impoundment resolution H. Res. 915 passed the House on December 19, 1975, rejecting this deferral.
- 12/ Impoundment resolution H. Res. 1032 passed the House on April 12, 1976, rejecting this deferral.
- 13/ Impoundment resolution H. Res. 916 passed the House on December 19, 1975, rejecting this deferral.
- 14/ Impoundment resolution H. Res. 1129 passed the House on April 12, 1976, rejecting this deferral.
- 15/ Impoundment resolution S. Res. 385 passed the Senate on March 9, 1976, rejecting this deferral.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
General Administration									
Special foreign currency	D76-106		1,220	03-18-76 03-30-76	-1,220				0
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75 11-14-75 02-25-76			-769 1/ -1,489 2/		4,994
Promote and Develop Fishery Products	D76-3		1,355	07-01-75 12-30-75 02-25-76	-327		-173 1/ +516 3/		1,321
Fishermen's Guaranty Fund	D76-75		152	12-01-75 02-25-76	-102				50
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	12-01-75					1,187
Maritime Administration									
Ship construction	D76-107		231,000	03-18-76					231,000
TOTAL			242,166		-1,699		-1,915		238,552

- 1/ Reflects a revised unobligated balance brought forward from FY 1975.
2/ Reflects a reduction in estimated loan repayments.
3/ Reflects higher estimates of gross receipts from customers duties on imported fishery products.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75 09-09-75	-1,793,590				0
	D76-108		2,245,945	03-18-76 06-14-76	-873,897 1/				1,372,048
Military Construction, All Services	D76-5	[233,630]		07-01-75 06-27-75 07-29-75 08-25-75 09-04-75 10-06-75 10-15-75 10-24-75 11-03-75 11-03-75 12-04-75 12-09-75 01-06-76	-1,582 -1,752 -15,046 -5,515 -34,524 -16,415 -5 -32,798 -31,256		245 3,399		0
	D76-86		596,074	01-06-76 02-03-76 02-13-76 02-17-76 03-24-76 03-31-76 04-05-76 04-13-76 04-22-76 05-14-76 06-04-76 06-04-76 06-11-76 06-25-76 06-25-76	-4,766 -18,609 -11,248 -53,965 -35,653 -145,215 -48,718 -21,410 -6,743 -2,921 -12,891 1/ -58,668 -1,517 -1,517 1/		-98,381 2/	172,233	
TOTAL		233,630	4,635,609		-3,230,221		-94,737		1,544,281

- 1/ This amount became available for obligation on July 1, 1976.
2/ Subsequently incorporated in D76-86.

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STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76 04-15-76			-700 1/	0	
Canal Zone Government Capital Outlays	D76-87		155	01-06-76				155	
Wildlife Conservation Military Reservations	D76-6		432	07-01-75 09-19-75 09-24-75 04-12-76 06-03-76 06-04-76			-13 2/3/ -31 2/3/ -1 3/4 -159 3/4	215	
TOTAL			1,287		-13		-700	-204	370

- 1/ Impoundment resolution S. Res. 408 passed the Senate on April 14, 1976, rejecting this deferral.
2/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
3/ Reflects a decrease in anticipated receipts for the year.
4/ This amount became available for obligation on July 1, 1976.

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STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Health Services Administration Health Services	D76-57	(1,082)		10-20-75 01-06-76			-1,082 1/	0	
	D76-57A		1,623	01-06-76 01-28-76			-1,623 2/	0	
Indian Health Facilities	D76-39		1,000	07-25-75 03-10-76			-1,000 3/	0	
	D76-97		13,908	01-23-76 03-10-76			-13,908 3/	0	
National Institutes of Health									
National Cancer Institute	D76-58	(7,000)		10-20-75 01-06-76			-7,000 1/	0	
	D76-58A		7,000	01-06-76 01-28-76			-7,000 2/	0	
National Heart and Lung Institute	D76-59	(2,700)		10-20-75 01-06-76			-2,700 1/	0	
	D76-59A		12,700	01-06-76 01-28-76			-12,700 2/	0	
National Institutes of Dental Research	D76-60	(518)		10-20-75 01-06-76			-518 1/	0	
	D76-60A		518	01-06-76 01-28-76			-518 2/	0	

NOTICES

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			B-9 Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76 01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Strokes	D76-61	[682]		10-20-75 01-06-76				-682 1/	0
	D76-61A		682	01-06-76 01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75 01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76 01-28-76				-5,812 2/	0
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75 01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76 01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76 01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75 01-06-76				-572 1/	0
	D76-64A		884	01-06-76 01-28-76				-884 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			B-10 Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Alcohol, Drug Abuse and Mental Health Administration Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-28-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75 01-06-76				-2,753 1/	0
	D76-40C		4,910	01-06-76 01-28-76				-4,910 2/	0
Health Resources Administration Health Resources	D76-81		22,000	07-25-75 07-25-75	-22,000				0
Office of the Assistant Secretary for Health Assistant Secretary for Health	D76-65	[753]		11-18-75 01-06-76				-753 1/	0
	D76-65A		773	01-06-76 01-28-76				-773 2/	0
Scientific Activities Overseas (Special Foreign Currency)	D76-8	[3,652]		07-01-75 04-26-76				-3,652 1/	
	D76-8A		14,319	04-26-76 05-18-76	-2,012 6/				12,307
Office of Education Elementary and Secondary Education	D76-51		8,000	09-10-75 10-10-75	-8,000				0
	D76-52		2,968	09-10-75 02-20-76	-2,968				0
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 4/	0
Higher Education	D76-9		89,040	07-01-75					49,040

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			B-11 Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Higher Education	D76-83		9,500	07-25-75 09-10-75				-9,500 4/	0
Library Resources	D76-84		10,437	07-25-75 09-10-75				-10,437 4/	0
<u>Social and Rehabilitative Service</u>									
Public Assistance	D76-85	[1,000]		07-25-75 10-03-75				-1,000 1/	0
Child Welfare Services	D76-85A	[2,000]		10-03-75 01-06-76				-2,000 1/	0
	D76-85B		3,000	01-06-76 01-28-76				-3,000 2/	0
<u>Social Security Administration</u>									
Limitation on Construction	D76-58	[14,910]		09-24-75 03-18-76				-14,910 1/	0
	D76-58A		15,098	03-18-76 05-21-76		-2,430 6/			12,668
<u>Special Institutions</u>									
Howard University	D76-10	[8,174]		07-01-75 11-18-75				-8,174 1/	0
	D76-10A		12,225	11-18-75 06-29-76		-1,978 7/			10,247

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			B-12 Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Assistant Secretary for Human Development</u>									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75 07-15-75 11-06-75		-3,665 -390		-4,252 1/	0
	D76-11B		4,252	12-01-75 11-24-75 08-22-76 06-01-76		-558 -843 -500 6/		-401 5/	2,348
TOTAL		70,797	318,045			-47,110		-14,908 -240,214	86,610

- 1/ Subsequently incorporated in a supplementary report.
 2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
 3/ Impoundment resolution, S. Res. 366, passed the Senate on March 9, 1976, rejecting this deferral.
 4/ Enactment of P.L. 94-98 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.
 5/ Reflects a revised unobligated balance brought forward from FY 1975.
 6/ This amount became available for obligation on July 1, 1976.
 7/ This amount deferred for FY 1976 to \$13.5 million is to be transmitted later in the month. A further release of \$1.3 million from the \$13.5 million results in a release of \$3.3 million.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12	[25,847]		07-01-75 01-20-76 02-06-76	-947			+8,800 1/ -16,100 2/	
	D76-12A	[16,100]		02-06-76 08-13-76				-16,100 2/	
	D76-12B		20,000	04-13-76 06-18-76	-1,100 7/				18,900
Oregon and California grant lands	D76-102		3,016	02-06-76					3,016
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75 12-08-75				-1,030 3/	0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75 01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75 01-22-76 06-02-76	-1,212 -5,118 4/				0
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75 01-22-76 06-02-76 06-02-76	-7,270 -3,826 -10,374 4/				0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
National Park Service									
Road Construction	D76-18		238,092	07-01-75 12-15-75 01-20-76 06-02-76	-1,000 -34,034 -5,700 7/			-58,500 5/	138,858
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Mines and Minerals	D76-110		688	05-13-76					688
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Construction	D76-103		10,881	02-06-76 03-10-76				-10,881 6/	0
Road Construction	D76-20	[68,470]		07-01-75 02-06-76				-68,470 2/	0
	D76-20A		69,339	02-06-76 06-02-76 06-03-76	-28,000 7/ -10,000				31,339
TOTAL		111,447	405,400		-109,731		-11,911	-169,000	226,205

1/ See rescission R76-40.

2/ Subsequently incorporated in a supplementary report.

3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.

4/ This amount became available for obligation on July 1, 1976 for the period July 1, 1976 through September 30, 1977.

5/ See rescission R76-41.

6/ Impoundment resolution, S. Res. 386, passed the Senate on March 9, 1976 rejecting this deferral.

7/ This amount became available for obligation on July 1, 1976.

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STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Law Enforcement</u>									
<u>Assistance Administration</u>									
Salaries and expenses	D76-98		15,000	01-23-76 03-11-76			-15,000 1/		0
TOTAL			15,000				-15,000		0

1/ Impoundment resolution, H. Res. 1058, passed the House of March 8, 1976, rejecting this deferral.

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STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Employment and Training Administration</u>									
Grants to States for Unemployment Insurance and Employment Services	D76-109		15,000	03-18-76					15,000
Advances to the unemployment trust fund and other funds	D76-99		1,800,000	01-23-76 06-14-76			-900,000 1/		900,000
<u>Departmental Management</u>									
Working Capital Fund	D76-77		977	12-01-75 12-08-75			-977		0
<u>Pension Benefit Guaranty Corporation</u>									
Pension Guaranty Fund	D76-78		[1,431]*	12-01-75 06-02-76				[-1,431]*2/	0
TOTAL			1,815,977				-900,977	[-1,431]	915,000

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by \$1,431 thousand for FY 1976.

1/ This amount became available for obligation on July 1, 1976.

2/ This deferral represented a retention in the revolving fund balance of an amount proposed by the Corporation for administrative expenses in 1976. No adjustment to the Corporation's proposals has been made for the transition quarter.

NOTICES

STATUS OF DEFERRALS
 FISCAL YEAR 1976
 (Amounts in thousands of dollars)

B-17

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D.C.	D76-66		2,572	11-18-75 05-27-76	-1,861 ^{1/}				711
Refugee and Migration Affairs									
Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		12-01-75 01-23-76				-28,493 ^{2/}	0
	D76-85A		28,493	01-23-76 03-31-76	-28,493				0
TOTAL		28,493	33,340		-30,354			-28,493	2,986

^{1/} This amount became available for obligation on July 1, 1976.^{2/} Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS
 FISCAL YEAR 1976
 (Amounts in thousands of dollars)

B-18

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Coast Guard									
Acquisition, Construction and Improvements	D76-21	[707]		07-01-75 01-06-76				-707 ^{1/}	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration									
Construction, National Capitol Airports	D76-92		8,679	01-06-76					8,679
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75 11-24-75 01-06-76				-6,000 ^{2/} -1,686 ^{3/}	0
	D76-93		2,179	01-06-76					2,179
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75 04-16-76	-90,000 ^{4/}				0
TOTAL		8,393	177,743		-90,000			-8,393	87,743

^{1/} Subsequently incorporated in D76-91.^{2/} P.L. 94-134, signed November 24, 1975, transferred \$6 million from "Civil supersonic aircraft development termination" to FAA "Operations."^{3/} Subsequently incorporated in D76-93.^{4/} The funds were released because of Congressional inaction on the related rescission request, R76-1.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund									
	D76-24		93,420	07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,745				
				11-01-75	-21				
				12-01-75	-164				
				01-01-76	-84				
				03-01-76	-5				
				04-01-76	-21				
				05-01-76	-7,433				
				06-01-76	-13				
				07-01-76				+67 1/	82,317
State and Local Government Fiscal Assistance Trust Fund									
	D76-25	[38,391] 1/		07-01-75					
				09-10-75				-38,391 2/3/	
	D76-25A	[57,587] 1/		09-10-75					
				10-20-75				-57,587 2/3/	
	D76-25B	[75,856] 1/		10-20-75					
				11-18-75				-75,856 2/3/	
	D76-25C	[75,856] 1/		11-18-75					
				01-23-76				-75,856 2/3/	
	D76-25D	[95,017] 1/		01-23-76					
				04-26-76				-95,017 2/3/	
	D76-25E		113,732 1/	04-26-76					113,732 2/
	D76-67		11,833 1/	11-18-75					
				12-01-75	-9,409 2/				
				01-01-76	-693 2/				
				02-01-76	-203 2/				
				04-01-76	-832 2/				
				07-01-76	-91 2/				1,005 2/

B-20

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Loans to the District of Columbia for Capital Outlay									
	D76-53		39,370	09-10-75					39,370
TOTAL									
		342,707 0	132,790 BA 125,565 0		-11,170 BA -10,828 0		+67 BA -342,707 0		121,687 BA 114,737 0

1/ Reflects a payment to the fund.
2/ Outlays only.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Research and Development	D76-79		2,000	12-01-75 12-22-75			-2,000 ^{1/}	0	
	D76-80		4,600	12-01-75 12-22-75			-4,600 ^{2/}	0	
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000			0	
	D76-81		3,750	12-01-75 12-22-75			-3,750 ^{3/}	0	
	D76-82		10,000	12-01-75 12-22-75			-10,000 ^{4/}	0	
	D76-83		15,000	12-01-75 12-22-75			-15,000 ^{5/}	0	
TOTAL		39,350			-4,000		-35,350	0	

- ^{1/} Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
^{2/} Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
^{3/} Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
^{4/} Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
^{5/} Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Rare Silver Dollar Program	D76-48	[1,790]		07-25-75 02-06-76					
	D76-48A		1,850	02-06-76 06-06-76	-100 ^{2/}			1,750	
TOTAL		1,790	1,850		-100		-1,790	1,750	

- ^{1/} Subsequently incorporated in a supplementary report.
^{2/} This amount became available for obligation on July 1, 1976.

STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

B-23

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Research and Program Management	D76-84		2,900	12-01-75 05-26-76	-2,900				0
TOTAL			2,900		-2,900				0

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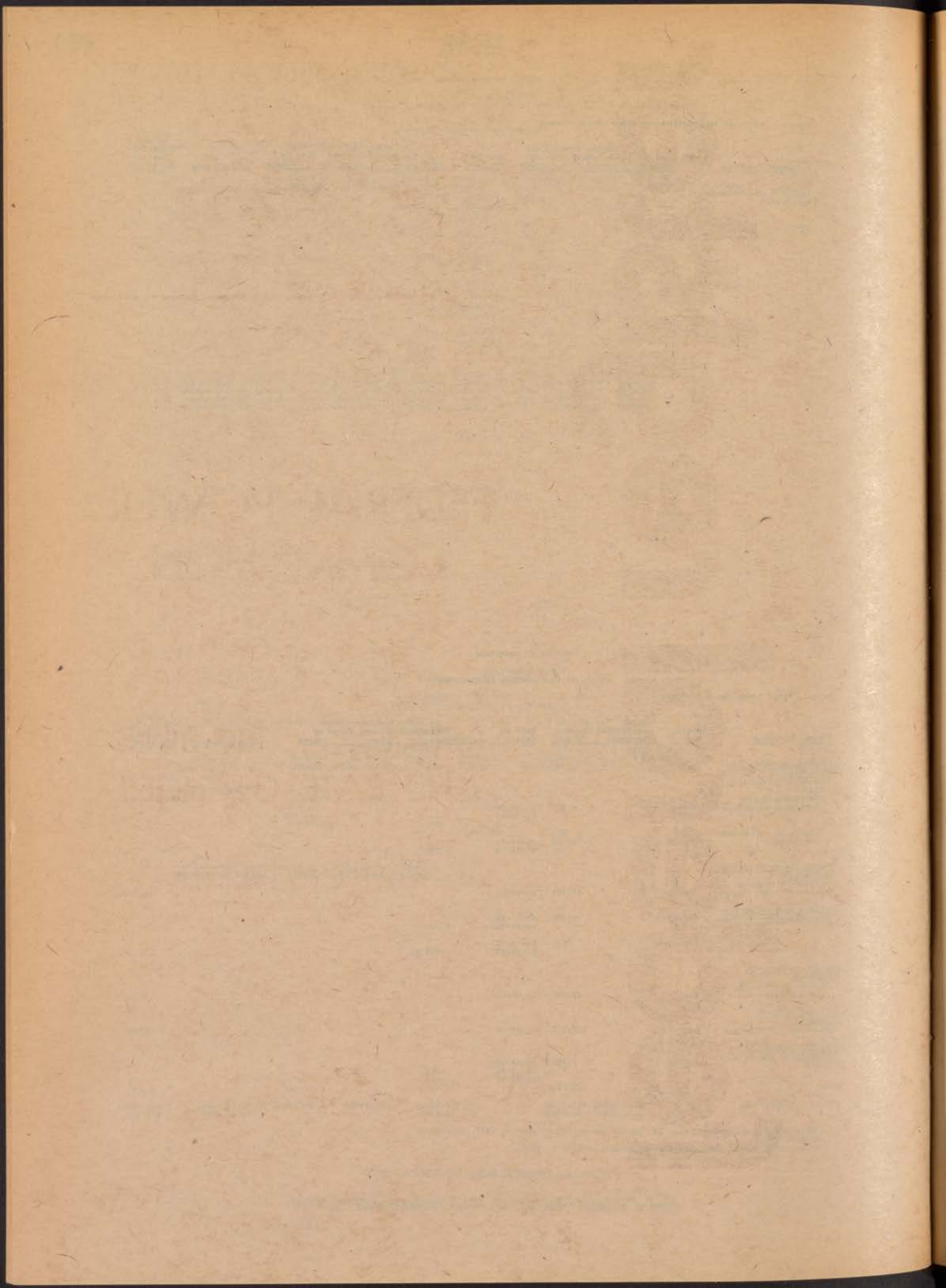
STATUS OF DEFERRALS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 07-01-76
		Superseded	Current		OMB/Agency	House	Senate		
<u>Community Services Administration</u>									
<u>Economic Opportunity Program</u>									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
<u>Foreign Claims Settlement Commission</u>									
<u>Payment of Vietnam Prisoner of War Claims</u>									
	D76-26		11,081	07-01-75					11,081
<u>American Revolution Bi-centennial Administration</u>									
	D76-27		1,000	07-01-75 04-27-76	-1,000				0
	D76-111		500	05-13-76 06-16-76	-500 2/				0
<u>Interstate Commerce Commission</u>									
<u>Payment for directed rail services</u>									
	D76-94		13,700	01-06-76					13,700
<u>National Science Foundation</u>									
<u>Salaries and expenses</u>									
	D76-100		10,000	01-23-76					10,000
<u>National Commission on Productivity and Work Quality</u>									
	D76-56		1,500	09-24-75 10-01-75 12-09-75	-600 -900 -17,500				0
TOTAL			68,781		-17,500		-16,500		34,781
TOTAL, ALL DEFERRALS		565,090BA 342,7070	649,749BA 125,5650		-4,462,917BA -10,8280	-296,810BA	-81,583BA	-810,349BA -342,7070	3,560,180BA 114,7370

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.
2/ This amount became available for obligation on July 1, 1976.

[FR Doc.76-20292 Filed 7-9-76;2:40 pm]



federal register

TUESDAY, JULY 13, 1976



PART IV:

FEDERAL POWER COMMISSION

■
**RETAIL ELECTRIC BILLS
AND RATE CHANGES**

New FPC Form No. 159

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-23]

REPORT ON RETAIL ELECTRIC BILLS
AND RATE CHANGES

New FPC Form No. 159

JULY 7, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 of the Federal Power Act,¹ that the Commission proposes to add § 141.32 to Part 141 of the Approved Forms under the Federal Power Act to provide that a new FPC Form No. 159 be required for reporting. The proposed new form would be entitled "Report on Retail Electric Bills and Rate Changes."

The new Form No. 159 is designed to elicit rate change information needed to improve the usefulness of data set forth in long-established Commission publications, prepared and disseminated as part of the Commission's statistical data gathering and reporting functions. The new format should enable the Commission to fulfill its functions efficiently, with a minimum of burden upon the reporting utilities.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured.

¹ 41 Stat. 1068-1070, 1073, 1074; 49 Stat. 842-844, 848, 849, 851-853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 817; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825(c), 825(c), 825h, 825j.

To this end, Form No. 159 is designed to incorporate into a readily retrievable data processing system certain information currently submitted on FPC Form Nos. 3,² 3-A,³ and 82.⁴

Proposed FPC Form No. 159 would consist of 10 schedules, 686-694 and 699. Data collected on schedules 686-694 and 699 would provide the Commission with information on retail electric sales, e.g., annual typical electric bills (100, 250, 500, 750, and 1,000 kwh), annual bills for all-electric homes (15,000; 20,000; 25,000; and 30,000 kwh) and retail rate level changes. The data collected on these new schedules would supercede those being collected on Forms 3 (schedules 1-4), 3-A (schedules 1-5), and Form 82.

Schedule 694 would replace FPC Form No. 82—Retail Rate Level Change. Only three classes of service appear preprinted on the schedule—RES (Residential), CID (Commercial and Industrial), and OTH (other). This would lessen the burden on the respondents, since they would have to report only totals for the three classes of service.

Data fields 1-9 on Schedule 689 replace sections 3, 4, and 5 on Form 3-A, Schedule 1. No additional data are requested, and one data item (3-C—all electric customers without installed heat) from schedule 1 of Form 3-A has been deleted.

Data fields 1-5 on Schedule 699 replace sections 1 and 2 on Form 3-A—Schedule. Section 2—*Cities included in survey* which is preprinted on Form 3-A, is being replaced by data field 2—*City Surveyed*—Name requiring respondents to list name of city, in addition to the city code (data field 3), State code (data field 4) and population (data field 5).

Schedules 686 and 690 replace Schedules 2, 3, 4, and 5 (all-electric home computation sheet) of Form 3-A. No additional data are being requested. However, data concerning fuel, tax or commodity price adjustments now being reported under one column heading on Form 3-A would be reported separately in data fields 8 (fuel adjustment), 9 (tax adjustment) and 10 (other charges).

Data on Schedules 1, 2, 3, and 4 of Form 3 "Typical Electric Bills," presently preprinted, are data reported by respondent during the previous year's survey. It is proposed that respondents complete all data fields on Schedules 687, 688, 691 and 693 which are replacing Schedules 1, 2, 3, and 4 of Form 3. It is proposed that the respondents be provided with a printed record of data currently in the Commission's files on community characteristics (rate schedule, community code, community name, state, and population). New data are to be entered on Schedule 687 only to reflect needed changes or corrections in the Commission's data files, as well as to record the number of customers served.

In Form 159, no new data is being requested. However, data requested via footnotes on FPC Form No. 3, e.g. fuel adjustment charge, rate of tax adjust-

ment, rate of surcharge, would now be requested in data fields 4, 5, and 6 on Schedules 691 and 693 (commercial and industrial service, respectively), and data fields 6, 7, and 9 on Schedule 692 (residential service). Whereas respondents now report only total new revised bills, including all applicable adjustments on FPC Form No. 3, respondents would be required to list separately net base bill, fuel adjustment, gross receipts tax, other charges and total net bill on Schedules 691, 692, and 693. This would facilitate better analysis of bills and also allow greater accuracy in verification by staff.

Presently all respondents serving communities of 500 population or more are requested to submit changes on FPC Form No. 3 (Schedule 1). It is proposed that only those respondents serving communities of 2,500 population or more be required to complete Schedule 692. There would be no change in population requirements for Schedules 691 and 693.

It is anticipated that at least one year of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the current FPC Form Nos. 3, 3A and 82 would then be eliminated insofar as necessary to eliminate duplicate reporting.

All data and information submitted pursuant to this new form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge, in accordance with the Commission's rules of practice and procedure, 18 CFR Part 1 (1975). An original and four copies of each completed Form No. 159 would be required to be filed with the Federal Power Commission.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than September 6, 1976, data, views, and comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. 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, and telephone number of the person to whom communications concerning the proposals should be addressed and whether the person filing submissions requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The Staff, in its discretion, may grant or deny a request for conference prior or subsequent to the filing of formal submittals.

The proposed amendment to Part 141 of the Commission's Approved Forms under the Federal Power Act would be

² 18 CFR 141.21 (1975).

³ Id.

⁴ 18 CFR 141.27 (1975).

made pursuant to the authority granted the Commission by the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311.²

Effective for the reporting year the Commission proposes to amend Part 141, Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.32 prescribing new FPC Form No. 159, Report on Retail Electric Bills and Rate Changes, in the

² Supra, note 1.

form set out in Attachment A hereto. New § 141.32 will read as follows:

§ 141.32 Report on retail electric bills and rate changes.

(a) The form consists of five schedules designed to obtain information on monthly bills for specified quantities of electric service to residential, commercial, and industrial consumers. Four schedules are designed to obtain information on annual bills for specified quantities of electric service to residential all-electric consumers. These schedules are annual submissions filed on or before January 21 of each year.

(b) In addition, one schedule within Form 159 is designed to obtain the twelve month dollar effect of a new retail rate schedule, or of a change to an existing retail rate schedule, within sixty days of the effective date of such change.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A—REPORT ON RETAIL ELECTRIC
BILLS AND RATE CHANGES

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 1
	FORM 159 TABLE OF CONTENTS	

General Instructions

Detailed Instructions

- Schedule 0100 Instructions
- Schedule 0686 Instructions
- Schedule 0687 Instructions
- Schedule 0688 Instructions
- Schedule 0689 Instructions
- Schedule 0690 Instructions
- Schedule 0691 Instructions
- Schedule 0692 Instructions
- Schedule 0693 Instructions
- Schedule 0694 Instructions
- Schedule 0699 Instructions
- Schedule 1000 Instructions

Add List

Data Standards

- Schedule 0100: Index of FPC Public Use Schedules Submitted
- Schedule 0686: All-electric homes computation data
- Schedule 0687: Community characteristics for given schedules
- Schedule 0688: Rate schedule energy characteristics
- Schedule 0689: All-electric homes customer and total bills data
- Schedule 0690: All-electric homes annual bill
- Schedule 0691: Typical net monthly bills for residential service
- Schedule 0692: Typical net monthly bills for industrial service
- Schedule 0693: Retail rate level changes
- Schedule 0694: System all-electric home rate designation data
- Schedule 0699: Footnotes to FPC Public Use Schedules
- Schedule 1000: Supporting Documentation

FPC Form 151
(3-76)

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 1
	FORM 159 REPORT ON RETAIL ELECTRIC BILLS AND RATE CHANGES	

GENERAL INSTRUCTIONS

Bill and rate change data are requested for residential service from all respondents serving communities of 2,500 population and more. In addition, respondents serving communities of 50,000 population and more are requested to submit data on bills and rate changes to commercial and industrial consumers, as well as to residential all-electric consumers. All respondents serving communities of 2,500 population and more must submit Schedule 0694 within 60 days of a retail rate level change.

Submission requirements:

Respondent Category	Schedule	Old FPC Form	Submission Date
FPC specified electric utilities	0686-0693, 0699	3, 3A	Annually on or before January 21
All utilities serving cities with a population of 2,500 or more	0694	82	Within 60 days of new or changed rate schedule

The reporting period entered by the respondent on each schedule represents the ending period (month, day, year) of the period to which the data applies, not the date the schedule was completed. An example for an annual submission would be 12/31/76 and for a monthly submission would be 06/30/76.

Prior to mailing the schedules to the Commission, the respondent must complete FPC Schedule 0100, Index of Public Use Schedules Submitted, and submit it with the completed schedule(s).

Footnotes cannot be placed directly on any public use data schedule. FPC Schedule 0000 is used for a footnote entry.

Additional statements, maps, diagrams charts or any other documentation supportive to the data schedules not otherwise specifically required should enter and submit the supplemental information utilizing FPC Schedule 1000.

All schedules should be forwarded to:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, DC 20426
-ATTN: Office of the Secretary

FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DECC (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (LINEOR)


FPC Form 131
(5-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	2 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	

Instructions

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this data field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MDDYY. (TMDATE)

FPC Form 131
(5-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0686	ALL-ELECTRIC HOMES COMPUTATION DATA

I. DESCRIPTION

This schedule is used to collect data on the computation of bills for all-electric homes. Utilities are requested to furnish computations for all cities within their service area, having populations of 50,000 or more and, in addition, the three largest cities, regardless of population, in the states with fewer than three cities of that size.

II. GENERAL INFORMATION

A. This schedule shall be submitted by electric utilities as specified above.

B. Respondents shall complete all data fields on this schedule annually.

C. Data fields 6, 7, and 8, for negative values overstrike the preprinted minus sign (-).

D. Respondents shall complete this schedule for each applicable amount (KWH) specified in data field 1.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Bill KWH (N5) KWH: Enter each of the applicable KWH amounts: 15,000; 20,000; 25,000 and 30,000.
2	Rate Schedule Number (All): Enter the rate schedule number (which represents all communities served by that particular rate schedule). (IDRATE)
3 (Key)	Month Code (N2): Preprinted numeric code for the month of the year, i.e., January - 01, February - 02, etc. (IMOYR)
4	Total KWH Consumption (N5) KWH: Enter the total consumption (in kilowatt hours) for each month. The grand total for all 12 months should equal the figure listed in data field 1 above.
5	Net Bill (N3.2) DOL: For each month listed in data field 3 above, report the net base bill without adjustments (in dollars/cents).
6	Fuel Adjustment (N3.2) DOL: Enter any fuel adjustment (if applicable) made to the net bill (in dollars/cents).

NOTE: Each of the following data fields (4-9) should be completed (if applicable) and will be referenced to the month code shown in data field 3 above.

FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	2 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0686	ALL-ELECTRIC HOMES COMPUTATION DATA

Instructions

Data Field Number	Instructions
7	Tax Adjustment (N3.2) DOL: Enter any tax adjustment (if applicable) made to the net bill (in dollars/cents). Do not include sales or other taxes which are levied directly on customers.
8	Other Charges (N3.2) DOL: Enter any other adjustment (in dollars/cents) made to the net bill.
9	Total Bill (N4.2) DOL: Enter the total net adjusted bill (in dollars/cents) for each month.

FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	DETAILED INSTRUCTIONS: SCHEDULE 0687	COMMUNITY CHARACTERISTICS FOR GIVEN SCHEDULES SCHEDULE 0687


	<p style="text-align: center;"><u>I. DESCRIPTION</u></p> <p>This schedule is used to collect community data on a rate schedule basis from those respondents with residential, commercial, and industrial service who submit Federal Power Commission Schedules 0691, 0692, and 0693.</p> <p style="text-align: center;"><u>II. GENERAL INFORMATION</u></p> <p>A. This schedule shall be submitted by all electric utility respondents serving communities of 2,500 population and more, for residential service, and by all respondents serving communities of 50,000 population and more, for commercial and industrial service.</p> <p>B. Respondents shall complete specified data fields on this schedule annually. If specific community characteristics have changed, complete data fields 1 and 2, of this schedule and any of data fields 3-7, which are affected by the change. If it is necessary to add a new community, complete data fields 1-7.</p> <p>C. Communities Listed: All communities of 2,500 population or more, incorporated or unincorporated, served by your utility on January 1 of the current year, should be accounted for.</p> <p style="text-align: center;"><u>III. DETAILED INSTRUCTIONS</u></p> <p>The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left; width: 10%;"><u>Data Field Number</u></th> <th style="text-align: left;"><u>Instructions</u></th> </tr> </thead> <tbody> <tr> <td>1 (Key)</td> <td>Rate Schedule Number (A1): Enter the unique identification code assigned to the rate schedule which serves the communities listed in data field 3 below. (IDRATE)</td> </tr> <tr> <td>2 (Key)</td> <td>Community Code (A9): Enter the code, from the Register of Data Standards, IDCITY.</td> </tr> <tr> <td>3</td> <td>Community Name (A20): Enter the name of the community from the Register of Data Standards, IDCITY.</td> </tr> <tr> <td>4</td> <td>State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.</td> </tr> <tr> <td>5</td> <td>Population (N9) NO: Enter the population of the community reported in data field 3 above. Enter U.S. Census Bureau data for incorporated places, or Rand McNally Commercial Atlas data for unincorporated places.</td> </tr> <tr> <td>6</td> <td>Indicates Other Utility (N1): If the community listed in data field 3 above is served by more than one utility, enter "1"; if not, enter "0". (INYONO)</td> </tr> </tbody> </table>	<u>Data Field Number</u>	<u>Instructions</u>	1 (Key)	Rate Schedule Number (A1): Enter the unique identification code assigned to the rate schedule which serves the communities listed in data field 3 below. (IDRATE)	2 (Key)	Community Code (A9): Enter the code, from the Register of Data Standards, IDCITY.	3	Community Name (A20): Enter the name of the community from the Register of Data Standards, IDCITY.	4	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.	5	Population (N9) NO: Enter the population of the community reported in data field 3 above. Enter U.S. Census Bureau data for incorporated places, or Rand McNally Commercial Atlas data for unincorporated places.	6	Indicates Other Utility (N1): If the community listed in data field 3 above is served by more than one utility, enter "1"; if not, enter "0". (INYONO)
<u>Data Field Number</u>	<u>Instructions</u>														
1 (Key)	Rate Schedule Number (A1): Enter the unique identification code assigned to the rate schedule which serves the communities listed in data field 3 below. (IDRATE)														
2 (Key)	Community Code (A9): Enter the code, from the Register of Data Standards, IDCITY.														
3	Community Name (A20): Enter the name of the community from the Register of Data Standards, IDCITY.														
4	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.														
5	Population (N9) NO: Enter the population of the community reported in data field 3 above. Enter U.S. Census Bureau data for incorporated places, or Rand McNally Commercial Atlas data for unincorporated places.														
6	Indicates Other Utility (N1): If the community listed in data field 3 above is served by more than one utility, enter "1"; if not, enter "0". (INYONO)														

FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	DETAILED INSTRUCTIONS: SCHEDULE 0687	COMMUNITY CHARACTERISTICS FOR GIVEN SCHEDULES SCHEDULE 0687

	<p style="text-align: center;"><u>Instructions</u></p> <p><u>NOTE:</u> Where another utility renders residential electric service in a community served by your utility, state in a footnote the name of the other utility.</p> <p>7 Number of Customers Served (N6) NO: If the answer to data field 6 above is "1", enter total number of customers within the community served by your utility.</p>
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FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	RATE SCHEDULE ENERGY CHARACTERISTICS	1 of 1
	DETAILED INSTRUCTIONS: SCHEDULE 0688		

I. DESCRIPTION

This schedule is used to collect data on a given set of characteristics which are applicable to rate schedules developed for industrial or commercial service. Those utilities which submit Federal Power Commission schedules 0691 and 0693, should also complete this schedule.

II. GENERAL INFORMATION

A. This schedule shall be submitted by approximately 200 electric utilities as specified above.


B. Respondents shall complete specified data fields on this schedule annually. Respondents with commercial service should report data for data fields 1-5. Respondents with industrial service should complete all data fields.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Rate Schedule ID (All): Enter the unique identification code for the rate schedule used to compute bills reported on Schedules 0691 and 0693.
2	Minimum Demand (M5) KW: Enter the minimum demand (in kilowatts) to which the rate schedule listed in data field 1 applies.
3	Minimum Consumption (M6) KWH: Enter the minimum consumption (in kilowatt hours) to which the rate schedule listed in data field 1 applies.
4	Maximum Demand (M7) KW: Enter the maximum demand (in kilowatts) which applies to the rate schedule listed in data field 1.
5	Maximum Consumption (M8) KWH: Enter the maximum consumption (in kilowatt hours) to which the rate schedule listed in data field 1 applies.
6	Indicate Primary or Secondary (N1): Are bills shown for metering at primary (2,200 volts or more) or secondary (550 volts or less) voltage? Enter "1" for primary or "2" for secondary. Industrial respondents only. (INETOR)
7	Indicate Utility or Customer (N1): Are industrial bills for this rate schedule shown for energy delivered through utility-owned or customer-owned transformers at a utilization voltage of 550 volts or less? Enter "1" for utility or "2" for customer. (INETOR)

FPIC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	ALL-ELECTRIC HOMES CUSTOMER AND TOTAL BILLS DATA	1 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0689		

I. DESCRIPTION

This schedule is used to collect data on all-electric homes. Utilities are requested to furnish data on customer profiles and total annual bills for all cities within their service areas, having populations of 50,000 or more and, in addition, the three largest cities, regardless of population, in the states with fewer than three cities of that size.

II. GENERAL INFORMATION

A. This schedule shall be submitted by approximately 190 electric utilities serving approximately 413 communities of 50,000 population or more and 30 communities with a population of less than 50,000.

B. Respondents shall complete all data fields on this schedule annually.


C. For data fields 3-11, include data for residential customers only in homes designed for year round occupancy and using electricity exclusively for all household operations including water heating, cooking, refrigeration, clothes washing and drying and other customary appliances as well as space heating and/or air cooling depending upon regional temperatures and other circumstances.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Number of Customers (N8) NO: For all residential customers, company wide, in the calendar year, enter the number of customers (average of 12 months).
2	KWH Per Customer (N5) KWH: Enter the average annual consumption (in kilowatt hours) per residential customer.
3 (Key)	Customer Classification (N1): Preprinted data field. Each of the three lines beginning with data field 3 is preprinted with a code of 1, 2 or 4. (TYERSV) 1 - Customers with installed heat only (data field 6 does not apply) 2 - Customers with installed heat and total cooling 4 - Total all-electric customers
4	Average Number Customers (N7) NO: Enter the average number of customers over the 12-month period for each of the categories preprinted in data field 3 above.
5	Space Heating (M5) KWH: Enter the average annual consumption (in kilowatt hours) per customer for space heating, as qualified by the categories in data field 3 above.

FPIC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	DETAILED INSTRUCTIONS: SCHEDULE 0690	ALL-ELECTRIC HOMES ANNUAL BILL

I. DESCRIPTION

This schedule is used to collect data on the computation of bills for all-electric homes. Utilities are requested to furnish computations for all cities within their service areas having populations of 50,000 or more and, in addition, the three largest cities, regardless of population, in the states with fewer than three cities of that size.

II. GENERAL INFORMATION

A. This schedule shall be submitted by approximately 190 electric utilities serving approximately 413 U.S. communities of 50,000 population or more and 30 U.S. communities of less than 50,000 population.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents shall complete this schedule for each applicable amount (KWH) in data field 1.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Bill KWH (N5) KWH: Enter one of the applicable amounts: 15,000; 20,000; 25,000 and 30,000.
2	Rate Schedule Number (All): Enter the rate schedule number (must be the same as data field 1 of Schedule 0699 for the same communities). (IDRATE)
3 (Key)	Month Code (N2): Preprinted numeric code for the month of the year, i.e., January - 01, February - 02, etc. (TMMOYR)

NOTE: Each of the following data fields (4-6) should be completed, if applicable, and referenced to the month code shown in data field 3 above. Data fields 4, 5 and 6, for the twelve months (where applicable), should equal KWH in data field 1 above.

4	Water Heating (N5) KWH: Enter the allocation of kilowatt hours billed under rates for separately metered water heating (if applicable).
5	Space Heating (N5) KWH: Enter the allocation of kilowatt hours billed under rates for separately metered space heating (if applicable).

FPC Form 131
(3-76)

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	DETAILED INSTRUCTIONS: SCHEDULE 0689	ALL-ELECTRIC HOMES CUSTOMER AND TOTAL BILLS DATA

Instructions

6 Cooling Use - Total Cooling (N5) KWH: Enter the average annual consumption (in kilowatt hours) per customer for cooling use. Customers must have total cooling. Enter data as qualified by the categories in data field 3 above.


7 All Uses (N5) KWH: Enter the average annual consumption (in kilowatt hours) per customer for all uses, as qualified by the categories in data field 3 above.

8 KWH Category (N1): Preprinted data fields. Category codes are as follows: (RCKWHV)

1 - Under 17,500
2 - 17,501 - 22,500
3 - 22,501 - 27,500
4 - Over 27,500


9 Per Cent Distribution (N3) PCT: As qualified by data field 8 above, enter the approximate percentage distribution of residential all-electric customers.

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	2 of 2
	DETAILED INSTRUCTIONS: SCHEDULE 0690	ALL-ELECTRIC HOMES ANNUAL BILL

Data Field Number	Instructions
6	Balance of KWH (N5) KWH: If data has been reported in data fields 4 and/or 5, enter the balance of kilowatt hours remaining.
7	Billing Demand (N2) KW: Enter the billing demand (if applicable) for each month.

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 3
	DETAILED INSTRUCTIONS: SCHEDULE 0691	TYPICAL NET MONTHLY BILLS - COMMERCIAL SERVICE

I. DESCRIPTION
<p>This schedule is used to collect data on net monthly bills for service which is supplied to commercial or business establishments such as stores, offices, restaurants, and garages for lighting and power purposes. Utilities are requested to furnish computations for all cities within their service areas having populations of 50,000 or more, and in addition, the three largest cities, regardless of population, in the states with fewer than three cities of that size.</p>
II. GENERAL INFORMATION
<p>A. This schedule shall be submitted by approximately 200 electric utilities as specified above.</p>
<p>B. Respondents shall complete all data fields on this schedule annually. Report data for monthly bills even in cases where no rate changes have been made.</p>
<p>C. Report all rate schedules ordinarily applicable to commercial service at the range of demands and consumptions preprinted in data field 7 of this schedule. Do <u>not</u> use rate schedules restricted to a special class of enterprise such as department stores, hotels, laundries or apartment houses; nor to a special purpose such as sign lighting, refrigeration, heating, cooking, welding, auxiliary, or temporary service. Industrial schedules specifically limited to manufacturing customers should not be included. If a rate schedule is new or has been modified, include one copy of the rate schedule with this submission.</p>
<p>D. Bills to be Shown. If only one rate schedule is applicable to commercial service, a bill is to be shown under that schedule for every demand-energy combination listed in data field 7. If more than one rate schedule is applicable, bills should be shown for each rate schedule for those demand-energy combinations shown in data field 2, which come within the range of demand and/or energy consumptions for which the schedule is, or would be, used in actual utility billing practice. Bills outside of this range need not be shown. At least one bill for each demand-energy combination for each community served should be shown. Bills need not be shown for 10,000 KWH (40 KW) under a schedule limited to single-phase service.</p>
<p>E. Direct Current. Do not compute any bills under rate schedules for direct-current service only.</p>
<p>F. Off-Peak Service. Do not compute bills from rates which restrict service to off-peak hours.</p>
<p>G. Service Voltage. Compute bills only for energy delivered at secondary voltage (550 volts or less) and metered at such voltage on the secondary side of utility-owned transformer.</p>
<p>H. Term of Contract. Footnote cases where contract term is over one year.</p>
<p>I. Demand.</p> <p>(a) Billing Demand. The kilowatt demands shown on the commercial bill sheets are the actual billing demands of a customer after all adjustments, except for power factor, have been made.</p>

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I. Demand. (cont'd)

(b) Power Factor. Compute all bills for rate schedules applicable to motive power and incidental or no lighting at 85 per cent lagging power factor. For schedules permitting unrestricted lighting in addition to power, compute bills for 375, 750 and 1,500 KWH at unity power factor. For the 6,000 and 10,000 KWH bills assume a lagging power factor at 85 per cent (unless only a small motive power load is permitted, in which case assume unity power factor).

(c) Kilovolt-Amperes or Horsepower. For schedules basing charges on kilovolt-amperes or horsepower, assume the following conversions:

BILLING DEMAND			
KW	KVA	HP	
3	3	(1)	4
6	6	(1)	8
12	12	(1)	16
30	35.3		40
40	47		54

(1) For power schedules permitting incidental or no lighting assume 3.5 KVA, 7 KVA, and 14 KVA for 3 KW, 6 KW and 12 KW, respectively.

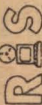
J. Data fields 9-10, for negative values refer to the General Instructions.

III. DETAILED INSTRUCTIONS

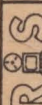
The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	Rate Schedule ID (All): Enter the unique identification code assigned (by the respondent) to each rate schedule being reported in accordance with item II. C. of these instructions. (IDRATE)
2 (Key)	Type of Service (A3): Enter the abbreviation showing the application of the rate schedule listed in data field 1 above, from the Register of Data Standards, TYCMSV.
3	Effective Date (N6): A rate schedule is deemed effective on January 1 of the current year, if any energy used on that day could have been billed thereunder. When a new or revised schedule is used, enter here the date on which the new rate schedule first became effective, in the format MMDDYY. (TMOATE)
4	Fuel Adjustment Per KWH (N1.9) CTS/KWH: Enter the rate of the fuel adjustment (in dollars - \$0.000000000 per kilowatt hour) used to calculate the adjustments entered in data field 9 below.

Data Field Number	Instructions
5	Rate Gross Receipts Tax (N3.2) CTS: Enter the rate of the gross receipts tax, which tax is included in the total bill shown in data field 11 below.
6	Other Charges (N3.2) CTS: Enter the rate of any other charge which is reflected in the dollar amount entered in data field 10 below. Reference the nature of the charge in a footnote entry.
7	Demand Energy (N2): Preprinted data field. Energy demand category codes as follows: (TYDMSV) 06 - 3 KW/375 KWH 07 - 6 KW/750 KWH 08 - 12 KW/1500 KWH 09 - 30 KW/6000 KWH 10 - 40 KW/10000 KWH
8	Net Base Bill (N6.2) DOL: Enter the amount (in dollars and cents) of the net monthly bill for the rate schedule listed in data field 1 above, and as qualified by the demand-energy combination preprinted in data field 7 above. Complete as many of the five lines indicating the various demand-energy combinations as are applicable to the given rate schedule.
9	Fuel Adjustment (N6.2) DOL: Enter the amount (in dollars and cents) of any fuel adjustment which applies to the base bill listed in data field 8 above.
10	Other Charge (N6.2) DOL: Enter the amount (in dollars and cents) of any other charge which applies to the base bill listed in data field 8 above.
11	Total Bill (N6.2) DOL: Add the amounts (in dollars and cents) listed in data fields 8-10 above, and enter the total in this data field.

	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	TYPICAL NET MONTHLY BILLS FOR RESIDENTIAL SERVICE	2 of 4
DETAILED INSTRUCTIONS: SCHEDULE 0692			
E. Demand Assumptions (cont'd).			
(c) Water Heating. Use demand and size of tank most generally applicable to water heaters using from 250 to 350 KWH per month, and state what demand and/or size of tank is used.			
F. Tax, Price, and Wage Level Adjustment. The bills shown are to reflect the charges actually paid by customers in accordance with the terms of the rate schedules, rules and regulations, etc. Please include in data field 13, taxes, price and wages level adjustments, if any, for energy billed on January 1, of the current year. DO NOT include sales or other taxes which are levied directly ON THE CUSTOMER. Taxes to be included are those imposed upon the utility and passed on to the customer.			
G. KWH Assumptions - Two or More Meters. Where residential service can be taken through more than one meter and such is the general practice, assume the following:			
(a) For the 100 KWH bill, assume that 60 KWH are measured through the lighting meter and 40 KWH through the refrigeration meter.			
(b) For the 250 KWH bill, (1) when the refrigerator is served through the lighting meter, assume that 100 KWH are measured through the lighting meter and 150 KWH through the cooking meter; or (2) when the refrigerator is served through the cooking meter, assume that 60 KWH are measured through the lighting meter and 190 KWH through the cooking meter.			
(c) For the 500 KWH bill, assume that 250 KWH for lighting, small appliances, refrigeration, and cooking are measured according to the assumptions stated in (b) above and that 250 KWH for water-heating are measured through the water-heating meter.			
(d) For the 750 KWH bill, assume that 400 KWH for lighting, appliances, refrigeration and cooking are measured through the general service meter and that 350 KWH are measured through the water-heating meter. If cooking is metered separately from lighting and water heating, assume 150 KWH for cooking consumption. If refrigeration is not metered with lighting and appliance load, assume 40 KWH for such consumption.			
(e) For the 1,000 KWH bill, assume that 650 KWH for lighting, appliances, refrigeration and cooking are measured through the general service meter and that 350 KWH are measured through the water-heating meter. If cooking is metered separately from lighting and water heating, assume 150 KWH for cooking consumption. If refrigeration is not metered with lighting and appliance load, assume 40 KWH for such consumption.			
(f) In the case of rates providing for special night rates when water heating is used, assume for the 500 KWH bill that 250 KWH are billed at the night rate. For the 750 and 1,000 KWH bills, assume that 350 KWH are billed at the night rate.			

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	TYPICAL NET MONTHLY BILLS - RESIDENTIAL SERVICE	1 of 4
DETAILED INSTRUCTIONS: SCHEDULE 0692			
I. DESCRIPTION			
This schedule is used to collect data on net monthly bills for service which is supplied to residential customers for lighting, refrigeration, cooking, water heating and other domestic uses.			
II. GENERAL INFORMATION			
A. This schedule canvasses electric utilities serving communities of 2,500 population or more concerning typical net monthly bills data.			
B. Respondents shall complete all data fields on this schedule annually.			
C. Rate Schedules to be Used. Compute each bill using the rate schedule or combination of rate schedules on which the largest group of residential customers was billed for the specified consumption as of January 1, of the current year, in each community of 2,500 population or more served.			
D. Net Bills. Compute all bills on a net basis, i.e., after prompt payment discounts or before delayed payment penalties. Compute all bills on a monthly basis. Where rate schedules or any part thereof are quoted on an annual, quarterly, or bimonthly basis, prorate the bills on a monthly basis.			
(a) Meter Rentals. In computing bills, include, where applicable, any charge made for meter rentals if the majority of customers are required to pay such meter rentals, but exclude such charge if the majority of customers furnish their own meters. In either case, state in a footnote the amount of the meter rental and whether or not the majority of customers furnish or rent meters.			
(b) Lamp Renewals. Compute bills on the assumption that lamp renewal service is not included in the rates. When the charge for lamp renewal service cannot be segregated, state in a footnote that such charge is included in the bills shown.			
(c) Seasonal Rates. Do not compute bills under seasonal rates where year-round rates are available. Where year-round rates are not available, compute bills for all seasons for which there are different rates and state the periods or seasons of the year for which each rate is available.			
(d) Rates in Litigation. Bills actually paid by customers as of January 1, of the current year, should be shown. If rates are in litigation subject to future determination and bills are being collected under bond, state the facts in a footnote.			
E. Demand Assumptions. Where charges are based on the number of rooms or measured demand, assume the following for computing bills:			
(a) Number of Rooms. A five-room residence consisting of living room, dining room, kitchen and two bedrooms.			
(b) Measured Demand. For 500 KWH consumption assume a measured demand of 4.5 KW. For 750 KWH consumption assume a demand of 5 KW. For 1000 KWH consumption assume a demand of 5.5 KW.			

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	4 of 4
	DETAILED INSTRUCTIONS: SCHEDULE 0692 TYPICAL NET MONTHLY BILLS - RESIDENTIAL SERVICE	

Data Field Number	Instructions
10	<p>Net Base Bill (N6.2) DOL: Enter the amount of the net monthly bill as qualified by the preprinted code in data field 9 above. For a given rate schedule, complete five lines of data covering all the categories of service and energy use as defined by data field 2 above.</p>
11	<p>Fuel Adjustment (N6.2) DOL: Enter the amount (in dollars and cents) of any fuel adjustment which applies to the base bill listed in data field 10 above. Include fuel adjustments, if any, for energy billed on January 1, of the current year.</p>
12	<p>Gross Receipts Tax (N6.2) DOL: Enter the amount (in dollars and cents) of any gross receipts tax on the net base bill listed in data field 10 above. For further instructions refer to the General Information, Part G.</p>
13	<p>Other Charges (N6.2) DOL: Enter the amount (in dollars and cents) of any other charge which applies to the base bill listed in data field 10 above.</p>
14	<p>Total Net Bill (N6.2) DOL: Add the amounts listed in data fields 8-12 above and enter the total in this data field.</p>

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	3 of 4
	DETAILED INSTRUCTIONS: SCHEDULE 0692 TYPICAL NET MONTHLY BILLS - RESIDENTIAL SERVICE	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number	Instructions
1 (Key)	<p>Rate Schedule ID (A1): Enter the unique identification code assigned (by the respondent) to the rate schedule applicable to the bill described in data field number 11. (ID&ATE)</p>
2 (Key)	<p>Type Service (A3): This will be preprinted (as "Res" for residential schedule) for Federal Power Commission Internal processing only. (TY&RSV)</p>
3	<p>Minimum Bill (N3) KWH: Enter kilowatt hours included in the minimum charge.</p>
4	<p>Minimum Bill Amount (N2.2) DOL: Enter the minimum bill amount (in dollars and cents).</p>
5	<p>Effective Date (N6): A rate schedule is deemed effective on January 1, of the current year if any energy used on that day could have been billed thereunder. When a new or revised schedule is used, enter here the date on which the new rate schedule first became effective, in the format MMDDYY. (TM&ATE)</p>
6	<p>Fuel Adjustment Per KWH (N1.9) CTS/KWH: Enter the rate of the fuel adjustment (dollar amount - \$0.000000000 per kilowatt hour) used to calculate the adjustments entered in data field 12 below.</p>
7	<p>Rate Gross Tax (N3.2) CTS: Enter the rate of the gross receipts tax included in the total bill shown in data field 16 below.</p>
8	<p>Other Charge (N3.2) CTS: Enter the rate of any other charge, such as surcharge, franchise tax, utility tax, etc., which is reflected in the dollar amount entered in data field 15 below. Do not include sales or other taxes which are levied directly on the customer.</p>
9 (key)	<p>Energy (N2): Preprinted data field. Category codes are as follows, from the Register of Data Standards, TY&MSV.</p> <ul style="list-style-type: none"> 01 - 100 KW 02 - 250 KW 03 - 500 KW 04 - 750 KW 05 - 1000 KW

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS:
SCHEDULE 0693

TYPICAL NET MONTHLY BILLS - INDUSTRIAL SERVICE

2 of 3

H. Demand. (cont'd)

BILLING DEMAND		
KW	KVA	HP
75	88	100
150	176	200
300	353	400
500	588	667
1,000	1,176	1,333

I. For negative values (data fields 9-10) refer to the General Information section.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number

Instructions

1 (Key)
Rate Schedule ID (All): Enter the unique identification code assigned (by the respondent) to each rate schedule being reported in accordance with Items I and II. C of these instructions. (IDRATE)

2 (Key)
Type of Service (A3): Enter the abbreviation showing the application of the rate schedule listed in data field 1 above from the following list. (TYCMSV)

M - Where the rate schedule permits unrestricted motive power only
MUL - Where the schedule permits unrestricted lighting in addition to unrestricted motive power
MRL - Where the schedule permits unrestricted motive power and, in addition, restricted lighting.

3
Effective Date (N6): A rate schedule is deemed effective on January 1, of the current year, if any energy used on that day could have been billed thereunder. When a new or revised schedule is used, enter the date on which the new schedule first became effective, in the format MMDDYY. (TDATE)

4
Fuel Adjustment Per KWH (N1.9) CTS/KWH: Enter the rate of the fuel adjustment (in dollars \$0.00000000 per kilowatt hour) used to calculate the adjustments entered in data field 9 below.

5
Rate Gross Receipts Tax (N3.2) CTS: Enter the rate of the gross receipts tax (in dollars and cents) which tax is included in the total bill shown in data field 11 below.

6
Other Charge (N3.2) CTS: Enter the rate of any other charge (in dollars and cents) which is reflected in the dollar amount entered in data field 10 below.

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FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

DETAILED INSTRUCTIONS:
SCHEDULE 0693

TYPICAL NET MONTHLY BILLS - INDUSTRIAL SERVICE

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I. DESCRIPTION

This schedule is used to collect data on net monthly bills for service which is supplied to industrial establishments having demands of 75 kilowatts or more, and consumptions of 15,000 kilowatt hours or more per month. Utilities are requested to furnish computations for all cities within their service areas having populations of 50,000 or more, and in addition, the three largest cities, regardless of population, in the States with fewer than three cities of that size.

II. GENERAL INFORMATION

- A. This schedule shall be submitted by approximately 200 electric utilities as specified above.
- B. Respondents shall complete all data fields on this schedule annually.
- C. Rate Schedules to be used. Use all rate schedules for motive power applicable to industrial service as defined under Item I of these instructions. Do not use rate schedules restricted to commercial establishments or to special classes of enterprise, such as cement, mining, oil, or textile industries; or to a special purpose such as auxiliary, breakdown, temporary, or intermittent services, industrial heating, or irrigation, or to industrial lighting.
- D. Direct Current. Do not compare any bills under schedules for direct current service only.
- E. Off-peak Service. Off-peak rates which do not restrict the use of energy during the normal hours of operation of industrial concerns may be shown.
- F. Service Voltage. Use all rate schedules applicable to industrial service as defined in items I and II. C. of these instructions regardless of voltage. When a rate schedule provides different rates for primary and secondary metering, compute bills for primary metering only, assuming customer ownership of transformer. Where the schedule permits, compute bills for 75 KW and 150 KW demands at voltage between 2,200 and 4,000 and bills for 300 KW, 500 KW and 1,000 KW demands at voltage between 11,000 and 13,200. Otherwise compute bills for the voltage at which service is most generally rendered, and state in a footnote the voltages used.
- G. Term of Contract. If the rate schedule allows a discount to customers contracting for service for a period longer than one year, compute bills based on the longer contract term.
- H. Demand.
 - (a) Billing Demand. The kilowatt demands shown on the industrial bill sheets are the actual billing demand of a customer after all adjustments, except those for power factor and voltage, have been made.
 - (b) Power Factor. Compute all bills for motive power at 85 per cent lagging power factor. Note any adjustments.
 - (c) Kilovolt-amperes or Horsepower. For schedules basing charges on kilovolt-amperes or horsepower, assume the following conversions:

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	TYPICAL NET MONTHLY BILLS - INDUSTRIAL SERVICE SCHEDULE 0693	RETAIL RATE LEVEL CHANGES SCHEDULE 0694

Data Field Number	Instructions
7 (Key)	Demand Energy (N2): Preprinted data field. Energy demand category codes as follows: (TYDMSV) 11 - 75 KW/15000 KWH 12 - 75 KW/30000 KWH 13 - 150 KW/30000 KWH 14 - 150 KW/60000 KWH 15 - 300 KW/60000 KWH 16 - 300 KW/120000 KWH 17 - 500 KW/100000 KWH 18 - 500 KW/200000 KWH 19 - 1000 KW/200000 KWH 20 - 1000 KW/400000 KWH
8	Net Base Bill (N6.2) DOL: Enter the amount (in dollars and cents) of the net monthly bill for the rate designation listed in data field 1 above. The amount shown in this data field should be governed by the demand-energy category preprinted in data field 7 above.
9	Fuel Adjustment (N6.2) DOL: Enter the amount (in dollars and cents) of any fuel adjustment which applies to the base bill listed in data field 8 above.
10	Other Charge (N6.2) DOL: Enter the total amount (in dollars and cents) of any other charges which apply to the base bill entered in data field 8 above.
11	Total Bill (N6.2) DOL: Add the amounts reported in data fields 8-10 and enter the total (in dollars and cents) in this data field.

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM
	DETAILED INSTRUCTIONS: SCHEDULE 0694	RETAIL RATE LEVEL CHANGES SCHEDULE 0694

Data Field Number	Instructions
I. DESCRIPTION This schedule is used to collect data on changes related to new, discontinued, or revised rate schedules.	
II. GENERAL INFORMATION A. This schedule shall be submitted by electric utilities serving communities with populations of 2,500 or more. It should be submitted within 60 days of the effective date of a new rate schedule or discontinuance or change of an existing rate schedule. B. Respondents shall complete specified data fields on this schedule. If the annualized dollar change (data field 6) is less than one per cent of the adjusted total dollars (data field 7), do not complete data fields 5-8. Do not complete this schedule for any rate schedule applicable to less than ten customers. C. One complete copy of the new or changed rate schedule must accompany this submission.	
III. DETAILED INSTRUCTIONS The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:	
1 (Key)	Type of Community Service (A12): This is a preprinted data field for Federal Power Commission internal processing only. (IDDESC)
2	State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT. Where a rate schedule covers more than one state, complete a separate schedule for each state.
3	Effective Date (N6): Enter the date that the state commission or local regulatory authority permits the change to go into effect, in the format MMDYY. (TMDATE)
4 (Key)	Type Service (A3): Class of service is preprinted as follows: (TYERSV) RES - Residential CID - Combine commercial and industrial under this one classification OTH - Other (all schedules not qualifying under above categories should be totalled under OTH).
5	Total Customers (N8) NO: Enter the total number of customers served for the class of service entered in data field 4 above.

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	2 of 2
	RETAIL RATE LEVEL CHANGES	


DETAILED INSTRUCTIONS:
SCHEDULE 0694

Data Field Number

Instructions

- 6 Annualized Dollar Revenue Change (N10) DOL: For the rate schedule listed in data field 1 above, enter the annualized dollars of revenue change for the class of service entered in data field 4 above. Enter revenue changes based on the previous twelve months consumption, or on a test year as required. If the figure represents a decrease in revenue, overstrike the preprinted minus sign.
- 7 Annual Adjusted Total (N10) DOL: Enter the adjusted total annual dollars revenue generated by the rate schedule after the rate change.
- 8 Indicate if Subject to Refund (N1): Enter "1" if the amount of increase or decrease is subject to refund; if not, enter "0". (INVOINO)

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	1 of 1
	SYSTEM ALL-ELECTRIC HOME RATE DESIGNATION CITIES	

DETAILED INSTRUCTIONS:
SCHEDULE 0699

I. DESCRIPTION

This schedule is used to collect information concerning the surveyed city named, by rate schedule number, for which all-electric home data has been furnished.

II. GENERAL INFORMATION

- A. This schedule shall be submitted by approximately 190 electric utilities serving approximately 443 large cities.
- B. Respondents shall complete all data fields on this schedule annually.

III. DETAILED INSTRUCTIONS


The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by the data field number:

Data Field Number


Instructions

- 1 (Key) Rate Schedule ID (A11): Enter the unique identification code assigned to the rate schedule which serves the cities listed in data field 2 below. (IDRATE)
- 2 Community Surveyed Name (A20): Enter the name of the community. (IDCITY)
- 3 Community Code (A9): Enter the code for the community name reported in data field 2 above, from the Register of Data Standards, IDCITY.
- 4 (Key) State Abbreviation (A2): Enter the abbreviation, from the Register of Data Standards, IDSTAT.
- 5 Population (N10) NO: Enter the population for each community reported in data field 2 above.


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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FOOTNOTES TO FPC PUBLIC USE SCHEDULES 2 of 2
DETAILED INSTRUCTIONS: SCHEDULE 0000		
Data Field Number	Instructions	
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the Footnote reference number was assigned, e.g., 0501 or 0505.	
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.	
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).	
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.	
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, <u>INDYST</u> .	
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, <u>IDPLNT</u> .	
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, <u>IDLPRJ</u> .	
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.	

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	FOOTNOTES TO FPC PUBLIC USE SCHEDULES 1 of 2
DETAILED INSTRUCTIONS: SCHEDULE 0000		
I. DESCRIPTION		
This schedule is used to collect the text for all footnote references for a respondent submission.		
II. GENERAL INFORMATION		
A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.		
B. The footnote reference numbers must be unique within a particular submission.		
C. The respondent has to indicate two major types of footnotes.		
1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.		
2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.		
The following entries are provided as an example:		
Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008
III. DETAILED INSTRUCTIONS		
The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.		

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	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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(3-76)

DATA STANDARDS
FORM NO. 159

ADD LIST
FORM NO. 159

<u>Schedule 686</u>	None				
<u>Schedule 687</u>	Community Code Other Utility	N(6) N(1)			
<u>Schedule 688</u>	None				
<u>Schedule 689</u>	None				
<u>Schedule 690</u>	None				
<u>Schedule 691</u>	Fuel Adjustment Per KWH Rate Gross Receipts Tax Other charge	N(1.9) N(3.2) N(3.2)			
<u>Schedule 692</u>	Fuel Adjustment Per KWH Rate Gross Receipts Tax Other Charge	N(1.9) N(3.2) N(3.2)			
<u>Schedule 693</u>	Fuel Adjustment Per KWH Rate Gross Receipts Tax Other Charge	N(1.9) N(3.2) N(3.2)			
<u>Schedule 694</u>	None				
<u>Schedule 699</u>	None				

IDCITY

DESC: Identifies named populated places and related entities of the U.S. This is a chain data item composed of the state, county and place of identification. The code format is SSSCCPPPPP.

SOURCE: GSA MW Geographical Location Codes.

IDSTAT

DESC: Identifies the 50 states, the District of Columbia, and the outlying areas of the U.S. all of which are considered first order subdivisions of the U.S.

SOURCE: FIPS PUB 5-1.

TYCMSV

DESC: Indicates the types of electrical uses permitted commercial users.

SOURCE: FPC Staff.

DATA ITEM LIST:	CODE	ABBREVIATION
Lighting, Single or 3-Phase Power and other uses in any proportion desired	1	GEN
Lighting and Appliances with or without Single Phase or Incidental Power	2	L
Rate Schedule Permits Unrestricted Motive Power Only	3	M
Rate Schedule Permits Unrestricted Motive Power and Restricted Lighting	4	MRL
Rate Schedule Permits Unrestricted Lighting in Addition to Unrestricted Motive Power	5	MUL
Motive Power But No Lighting	6	P
Motive Power and Incidental Lighting	7	PL

federal register

TUESDAY, JULY 13, 1976



PART V:

DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT



FAIR MARKET RENTS
FOR HOUSING
ASSISTANCE PAYMENTS
PROGRAM

Amendment of Schedule B

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 888]
[Docket No. R-76-311]

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAM
Amendment of Schedule B; Existing Housing

On April 7, 1975, the Department published Fair Market Rents for Housing Assistance Payments Programs, Section 8—Existing Housing and section 23—Existing Housing. Since that time, material submitted periodically by interested members of the general public as well as HUD field offices has generally indicated a need to increase the published rents in order to meet specific

local housing market or submarket conditions. The following Fair Market Rent schedules for selected local housing markets and submarkets are proposed amendments to Schedule B of Part 888 of Title 24.

Pub. L. 94-116, the Appropriations Act for HUD and Independent Agencies, FY 1976, states that in fiscal year 1976 and the period ending September 30, 1976, the Fair Market Rent basis of contracts approved pursuant to Section 8 of the Housing and Community Development Act of 1974 shall not exceed by more than 10 percent in the aggregate, or by more than 20 percent in individual market areas, those published in the FEDERAL REGISTER through September 8, 1975. The revisions of the Schedule B Fair Market Rents have been calculated in

such a manner as to assure compliance with the requirements of that Act.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, the HUD Office of Policy Development and Research has determined, pursuant to office of Management and Budget Circular A-107, that an Economic Impact Statement is not required for the publication of Fair Market Rents in the Federal Register. Copies of these findings are available for public inspection during regular business hours in Room 10141, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

Secretary for Housing—Federal Housing
Prior to making these Fair Market Rent schedules effective, the Assistant

Secretary for Housing—Federal Housing Commissioner has determined it to be reasonable and in the public interest to allow for a 15-day comment period (July 28, 1976).

By nature, Fair Market Rent schedules are subject to continuous revision where data and information indicate change is needed. Accordingly, Schedule B Fair Market Rent schedules will continue to be amended in the future in those local housing market or submarket areas where changes are deemed appropriate on the basis of available data and information.

Issued at Washington, D.C., July 2, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—
Federal Housing Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B—FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

BOSTON, MASSACHUSETTS AREA OFFICE
SMSA: WORCESTER, MA
SMSA PART: WORCESTER
STATE: MA

BURLINGTON, VERMONT INSURING OFFICE
NON SMSA
COUNTY: CHITTENDEN
STATE: VT

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
162	183	216	248	270
177	201	237	273	297
NON-ELEVATOR:				
144	163	192	211	230
158	178	211	232	253
NON-ELEVATOR:				

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CAMDEN, NEW JERSEY AREA OFFICE SMSA: PHILADELPHIA, PA-NJ COUNTY: BURLINGTON STATE: NJ	160	182	216	250	284
	176	200	237	275	312
	NON-ELEVATOR: ELEVATOR:				
COUNTY: CAMDEN STATE: NJ	160	182	216	250	284
	176	200	237	275	312
	NON-ELEVATOR: ELEVATOR:				
COUNTY: GLOUCESTER STATE: NJ	160	182	216	250	284
	176	200	237	275	312
	NON-ELEVATOR: ELEVATOR:				
NEW YORK, NEW YORK AREA OFFICE SMSA: NEW YORK CITY, NY-NJ COUNTY: ROCKLAND STATE: NY	198	224	264	303	343
	218	247	290	333	378
	NON-ELEVATOR: ELEVATOR:				
NEWARK, NEW JERSEY AREA OFFICE SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ COUNTY: WARREN STATE: NJ	135	154	183	202	223
	148	170	201	223	244
	NON-ELEVATOR: ELEVATOR:				
SMSA: NEWARK, NJ COUNTY: ESSEX STATE: NJ	169	191	225	254	278
	186	210	248	279	306
	NON-ELEVATOR: ELEVATOR:				
COUNTY: MORRIS STATE: NJ	169	191	225	254	278
	186	210	248	279	306
	NON-ELEVATOR: ELEVATOR:				
COUNTY: SOMERSET STATE: NJ	169	191	225	254	278
	186	210	248	279	306
	NON-ELEVATOR: ELEVATOR:				
COUNTY: UNION STATE: NJ	169	191	225	254	278
	186	210	248	279	306
	NON-ELEVATOR: ELEVATOR:				
NON SMSA COUNTY: HUNTERDON STATE: NJ	177	202	240	265	291
	195	223	264	292	320
	NON-ELEVATOR: ELEVATOR:				

PREPARED BY HUD - EMAD (CO), JUN. 16, 1976

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

BALTIMORE, MARYLAND AREA OFFICE
SMSA: WASHINGTON, DC-MD-VA
COUNTY: CHARLES
STATE: MD

NON-ELEVATOR: 173 207 242 276 311
ELEVATOR: 190 228 266 304 342

CHARLESTON, WEST VIRGINIA INSURING OFFICE
SMSA: CHARLESTON, WV
COUNTY: KANAWHA
STATE: WV

NON-ELEVATOR: 108 123 146 169 184
ELEVATOR: 118 135 160 186 204

COUNTY: PUTNAM
STATE: WV

NON-ELEVATOR: 108 123 146 169 184
ELEVATOR: 118 135 160 186 204

NON SMSA
COUNTY: BOONE
STATE: WV

NON-ELEVATOR: 81 93 111 123 135
ELEVATOR: 90 103 122 135 150

COUNTY: FAYETTE
STATE: WV

NON-ELEVATOR: 81 93 111 123 135
ELEVATOR: 90 103 122 135 150

COUNTY: LOGAN
STATE: WV

NON-ELEVATOR: 81 93 111 123 135
ELEVATOR: 90 103 122 135 150

COUNTY: MINGO
STATE: WV

NON-ELEVATOR: 81 93 111 123 135
ELEVATOR: 90 103 122 135 150

PHILADELPHIA, PENNSYLVANIA AREA OFFICE
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ
COUNTY: CARBUN
STATE: PA

NON-ELEVATOR: 135 154 183 202 223
ELEVATOR: 148 170 201 223 244

COUNTY: LEHIGH
STATE: PA

NON-ELEVATOR: 135 154 183 202 223
ELEVATOR: 148 170 201 223 244

COUNTY: NORTHAMPTON
STATE: PA

NON-ELEVATOR: 135 154 183 202 223
ELEVATOR: 148 170 201 223 244

SMSA: HARRISBURG, PA
COUNTY: CUMBERLAND
STATE: PA

NON-ELEVATOR: 122 139 165 192 210
ELEVATOR: 134 153 182 211 230

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 3

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY: DAUPHIN STATE: PA	122 134	139 153	165 182	192 211	210 230
NON-ELEVATOR: ELEVATOR:					
COUNTY: PERRY STATE: PA	122 134	139 153	165 182	192 211	210 230
NON-ELEVATOR: ELEVATOR:					
SMSA: NORTHEAST, PA COUNTY: LACKAWANNA STATE: PA	110 122	127 139	151 165	168 184	183 201
NON-ELEVATOR: ELEVATOR:					
COUNTY: LUZERNE STATE: PA	110 122	127 139	151 165	168 184	183 201
NON-ELEVATOR: ELEVATOR:					
COUNTY: MONROE STATE: PA	110 122	127 139	151 165	168 184	183 201
NON-ELEVATOR: ELEVATOR:					
SMSA: PHILADELPHIA, PA-NJ COUNTY: BUCKS STATE: PA	160 176	182 200	216 237	250 275	284 312
NON-ELEVATOR: ELEVATOR:					
COUNTY: CHESTER STATE: PA	160 176	182 200	216 237	250 275	284 312
NON-ELEVATOR: ELEVATOR:					
COUNTY: DELAWARE STATE: PA	160 176	182 200	216 237	250 275	284 312
NON-ELEVATOR: ELEVATOR:					
PHILADELPHIA, PENNSYLVANIA AREA OFFICE SMSA: PHILADELPHIA, PA-NJ COUNTY: MONTGOMERY STATE: PA	160 176	182 200	216 237	250 275	284 312
NON-ELEVATOR: ELEVATOR:					
COUNTY: PHILADELPHIA STATE: PA	160 176	182 200	216 237	250 275	284 312
NON-ELEVATOR: ELEVATOR:					

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 3

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+ BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC INDEP. CITY: CHESAPEAKE STATE: VA	132 145	151 165	178 196	198 217	217 238
INDEP. CITY: NORFOLK STATE: VA	132 145	151 165	178 196	198 217	217 238
INDEP. CITY: PORTSMOUTH STATE: VA	132 145	151 165	178 196	198 217	217 238
INDEP. CITY: SUFFOLK STATE: VA	132 145	151 165	178 196	198 217	217 238
INDEP. CITY: VIRGINIA BEA STATE: VA	132 145	151 165	178 196	198 217	217 238
WASHINGTON, D.C. AREA OFFICE SMSA: WASHINGTON, DC-MD-VA COUNTY: MONTGOMERY STATE: MD	173 190	207 228	242 266	276 304	311 342
COUNTY: PRINCE GEORG STATE: MD	173 190	207 228	242 266	276 304	311 342
COUNTY: WASHINGTON STATE: DC	173 190	207 228	242 266	276 304	311 342
COUNTY: ARLINGTON STATE: VA	173 190	207 228	242 266	276 304	311 342
COUNTY: FAIRFAX STATE: VA	173 190	207 228	242 266	276 304	311 342
COUNTY: LOUDOUN STATE: VA	173 190	207 228	242 266	276 304	311 342
COUNTY: PRINCEWILLIA STATE: VA	173 190	207 228	242 266	276 304	311 342

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDEP. CITY:ALEXANDRIA STATE:VA	173 190	207 228	242 266	276 304	311 342
INDEP. CITY:FAIRFAX STATE:VA	173 190	207 228	242 266	276 304	311 342
INDEP. CITY:FALLS CHURCH STATE:VA	173 190	207 228	242 266	276 304	311 342
INDEP. CITY:MANASSAS STATE:VA	173 190	207 228	242 266	276 304	311 342
INDEP. CITY:MANASSAS PRK STATE:VA	173 190	207 228	242 266	276 304	311 342

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 4

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA, GEORGIA AREA OFFICE SMSA: ATLANTA, GA COUNTY: DE KALB STATE: GA	158 174	180 198	213 235	247 271	279 307
	NON-ELEVATOR: ELEVATOR:				
COUNTY: FULTON STATE: GA	158 174	180 198	213 235	247 271	279 307
	NON-ELEVATOR: ELEVATOR:				
CORAL GABLES, FLORIDA INSURING OFFICE SMSA: FORT MYERS, FL COUNTY: LEE STATE: FL	145 159	165 181	195 214	216 237	236 260
	NON-ELEVATOR: ELEVATOR:				
COLUMBIA, SOUTH CAROLINA AREA OFFICE SMSA: CHARLESTON, SC COUNTY: BERKELEY STATE: SC	122 140	145 159	171 188	198 218	217 238
	NON-ELEVATOR: ELEVATOR:				
COUNTY: CHARLESTON STATE: SC	122 140	145 159	171 188	198 218	217 238
	NON-ELEVATOR: ELEVATOR:				
COUNTY: DORCHESTER STATE: SC	122 140	145 159	171 188	198 218	217 238
	NON-ELEVATOR: ELEVATOR:				
SMSA: COLUMBIA, SC COUNTY: LEXINGTON STATE: SC	122 135	140 153	165 182	192 211	210 230
	NON-ELEVATOR: ELEVATOR:				
COUNTY: RICHLAND STATE: SC	122 135	140 153	165 182	192 211	210 230
	NON-ELEVATOR: ELEVATOR:				
SMSA: GREENVILLE-SPARTANBURG, SC COUNTY: GREENVILLE STATE: SC	104 114	118 130	140 154	163 178	177 195
	NON-ELEVATOR: ELEVATOR:				
COUNTY: PICKENS STATE: SC	104 114	118 130	140 154	163 178	177 195
	NON-ELEVATOR: ELEVATOR:				
COUNTY: SPARTANBURG STATE: SC	104 114	118 130	140 154	163 178	177 195
	NON-ELEVATOR: ELEVATOR:				

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

GREENSBORO, NORTH CAROLINA AREA OFFICE
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC
COUNTY: CURRITUCK
STATE: NC

132 151 178 198 217
145 165 196 217 238

JACKSONVILLE, FLORIDA AREA OFFICE
SMSA: GAINESVILLE, FL
COUNTY: ALACHUA
STATE: FL

114 130 154 171 188
126 144 170 188 206

LOUISVILLE, KENTUCKY AREA OFFICE
SMSA: EVANSVILLE, IN-KY
COUNTY: HENDERSON
STATE: KY

97 110 130 146 160
106 121 144 160 176

NON SMSA
COUNTY: BELL
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: HARLAN
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: KNOX
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: LAUREL
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: MCGREARY
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: PIKE
STATE: KY

81 93 111 123 135
90 103 122 135 150

COUNTY: WAYNE
STATE: KY

86 98 116 129 142
94 108 128 142 157

COUNTY: WHITLEY
STATE: KY

86 98 116 129 142
94 108 128 142 157

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)		REGION 5				
		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+ BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE SMSA: CHICAGO, IL COUNTY: DU PAGE STATE: IL		198 218	224 247	264 290	303 333	343 378
NON-ELEVATOR: ELEVATOR:						
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL COUNTY: ROCK ISLAND STATE: IL		151 166	172 189	204 224	236 260	258 283
NON-ELEVATOR: ELEVATOR:						
CLEVELAND, OHIO INSURING OFFICE SMSA: CANTON, OH COUNTY: CARRULL STATE: OH		116 126	132 145	157 172	182 200	199 218
NON-ELEVATOR: ELEVATOR:						
COUNTY: STARK STATE: OH		116 126	132 145	157 172	182 200	199 218
NON-ELEVATOR: ELEVATOR:						
SMSA: CLEVELAND, OH COUNTY: CUYAHOGA STATE: OH		139 154	160 177	191 210	223 245	253 278
NON-ELEVATOR: ELEVATOR:						
COUNTY: GEauga STATE: OH		139 154	160 177	191 210	223 245	253 278
NON-ELEVATOR: ELEVATOR:						
COUNTY: LAKE STATE: OH		139 154	160 177	191 210	223 245	253 278
NON-ELEVATOR: ELEVATOR:						
COUNTY: MEDINA STATE: OH		139 154	160 177	191 210	223 245	253 278
NON-ELEVATOR: ELEVATOR:						
SMSA: MANSFIELD, OH COUNTY: RICHLAND STATE: OH		121 132	137 151	164 181	189 208	207 228
NON-ELEVATOR: ELEVATOR:						
SMSA: YOUNGSTOWN-WARREN, OH COUNTY: MAHONING STATE: OH		126 138	145 158	171 188	198 218	217 238
NON-ELEVATOR: ELEVATOR:						
COUNTY: TRUMBULL STATE: OH		126 138	145 158	171 188	198 218	217 238
NON-ELEVATOR: ELEVATOR:						

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM
SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NON SMSA COUNTY:ERIE STATE:OH	118 130	135 150	162 177	178 196	196 216	
NON-ELEVATOR: ELEVATOR:						
DETROIT, MICHIGAN AREA OFFICE SMSA: DETROIT, MI COUNTY:LAPEER STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
COUNTY:LIVINGSTON STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
COUNTY:MACOMB STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
COUNTY:OAKLAND STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
COUNTY:ST CLAIR STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
COUNTY:WAYNE STATE:MI	159 175	181 199	214 236	248 272	280 309	
NON-ELEVATOR: ELEVATOR:						
GRAND RAPIDS, MICHIGAN INSURING OFFICE NON SMSA COUNTY:GRATIOT STATE:MI	93 103	106 117	127 139	141 154	154 170	
NON-ELEVATOR: ELEVATOR:						
INDIANAPOLIS, INDIANA AREA OFFICE SMSA: EVANSVILLE, IN-KY COUNTY:GIBSON STATE:IN	97 106	110 121	130 144	146 160	160 176	
NON-ELEVATOR: ELEVATOR:						
COUNTY:POSEY STATE:IN	97 106	110 121	130 144	146 160	160 176	
NON-ELEVATOR: ELEVATOR:						
COUNTY:VANDERBURGH STATE:IN	97 106	110 121	130 144	146 160	160 176	
NON-ELEVATOR: ELEVATOR:						

PREPARED BY HUD - EMAD (CO), JUN. 16, 1976

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

OFFICE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:WARRICK STATE:IN	97 106	110 121	130 144	146 160	160 176
NON-ELEVATOR: ELEVATOR:					
MILWAUKEE, WISCONSIN AREA OFFICE					
SMSA: KENOSHA, WI					
COUNTY:KENOSHA STATE:WI	144 158	163 179	192 211	211 232	230 253
NON-ELEVATOR: ELEVATOR:					
SMSA: MILWAUKEE, WI					
COUNTY:MILWAUKEE STATE:WI	159 175	181 199	214 236	247 272	280 308
NON-ELEVATOR: ELEVATOR:					
COUNTY:OZAUKEE					
COUNTY:OZAUKEE STATE:WI	159 175	181 199	214 236	247 272	280 308
NON-ELEVATOR: ELEVATOR:					
COUNTY:WASHINGTON					
COUNTY:WASHINGTON STATE:WI	159 175	181 199	214 236	247 272	280 308
NON-ELEVATOR: ELEVATOR:					
COUNTY:WAUKESHA					
COUNTY:WAUKESHA STATE:WI	159 175	181 199	214 236	247 272	280 308
NON-ELEVATOR: ELEVATOR:					
NON SMSA					
COUNTY:DOOR					
COUNTY:DOOR STATE:WI	126 138	144 158	170 187	196 216	214 236
NON-ELEVATOR: ELEVATOR:					
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY:CLAY STATE:MN	114 125	129 142	165 182	183 202	201 222
NON-ELEVATOR: ELEVATOR:					
SPRINGFIELD, ILLINOIS INSURING OFFICE					
SMSA: PEORIA, IL					
COUNTY:PEORIA STATE:IL	151 166	172 189	204 224	236 260	258 283
NON-ELEVATOR: ELEVATOR:					
COUNTY:TAZEWELL					
COUNTY:TAZEWELL STATE:IL	151 166	172 189	204 224	236 260	258 283
NON-ELEVATOR: ELEVATOR:					

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

DES MOINES, IOWA INSURING OFFICE
NON SMSA
COUNTY: JOHNSON
STATE: IA

NON-ELEVATOR:	145	170	199	230	249
ELEVATOR:	159	187	218	253	273

KANSAS CITY, KANSAS AREA OFFICE
NON SMSA
COUNTY: JASPER
STATE: MO

NON-ELEVATOR:	87	99	118	132	145
ELEVATOR:	95	108	130	145	159

COUNTY: NEWTON
STATE: MO

NON-ELEVATOR:	87	99	118	132	145
ELEVATOR:	95	108	130	145	159

COUNTY: NODAWAY
STATE: MO

NON-ELEVATOR:	101	116	138	153	169
ELEVATOR:	112	128	152	169	186

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER, COLORADO INSURING OFFICE					
SMSA: PUEBLO, CO					
COUNTY: PUEBLO					
STATE: CO					
	129	147	175	201	219
NON-ELEVATOR:	142	162	192	222	242
ELEVATOR:					
FARGO, NORTH DAKOTA INSURING OFFICE					
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY: CASS					
STATE: ND					
	114	129	165	183	201
NON-ELEVATOR:	125	142	182	202	222
ELEVATOR:					
NON SMSA					
COUNTY: GRAND FORKS					
STATE: ND					
	111	127	165	183	201
NON-ELEVATOR:	121	139	182	202	222
ELEVATOR:					
COUNTY: RAMSEY					
STATE: ND					
	111	127	165	183	201
NON-ELEVATOR:	121	139	182	202	222
ELEVATOR:					
COUNTY: WALSH					
STATE: ND					
	111	127	165	183	201
NON-ELEVATOR:	121	139	182	202	222
ELEVATOR:					
COUNTY: WARD					
STATE: ND					
	106	121	158	176	193
NON-ELEVATOR:	116	134	174	193	212
ELEVATOR:					
COUNTY: WILLIAMS					
STATE: ND					
	106	121	158	176	193
NON-ELEVATOR:	116	134	174	193	212
ELEVATOR:					
SALT LAKE CITY, UTAH INSURING OFFICE					
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY: DAVIS					
STATE: UT					
	142	160	192	220	240
NON-ELEVATOR:	156	178	208	240	260
ELEVATOR:					
COUNTY: SALT LAKE					
STATE: UT					
	142	160	192	220	240
NON-ELEVATOR:	156	178	208	240	260
ELEVATOR:					
COUNTY: TOOELE					
STATE: UT					
	142	160	192	220	240
NON-ELEVATOR:	156	178	208	240	260
ELEVATOR:					
COUNTY: WEBER					
STATE: UT					
	142	160	192	220	240
NON-ELEVATOR:	156	178	208	240	260
ELEVATOR:					

PREPARED BY HUD - EMAD (CO), JUN. 16, 1976

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

SACRAMENTO, CALIFORNIA INSURING OFFICE

NON SMSA

COUNTY: SHASTA

STATE: CA

NON-ELEVATOR:
ELEVATOR:

118
129

134
147

158
175

175
193

192
211

SAN FRANCISCO, CALIFORNIA AREA OFFICE

NON SMSA

COUNTY: HUMBOLDT

STATE: CA

NON-ELEVATOR:
ELEVATOR:

118
129

134
147

158
175

175
193

192
211

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS					1 BEDROOM					2 BEDROOMS					3 BEDROOMS					4+BEDROOMS				
	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:	NON-ELEVATOR:	ELEVATOR:			
ANCHORAGE, ALASKA INSURING OFFICE NON SMSA DISTRICT: BARRROW STATE: AK	265	291	301	331	355	391	428	470																	
PURTLAND, OREGON AREA OFFICE SMSA: PORTLAND, OR-WA COUNTY: CLARK STATE: WA	136	151	155	172	185	203	234	254																	
COUNTY: CLACKAMAS STATE: OR	136	151	155	172	185	203	234	254																	
COUNTY: MULTNOMAH STATE: OR	136	151	155	172	185	203	234	254																	
COUNTY: WASHINGTON STATE: UR	136	151	155	172	185	203	234	254																	
NON SMSA COUNTY: JACKSON STATE: OR	123	135	140	154	166	182	192	208																	

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