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TUESDAY, AUGUST 24, 1976



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

List of Public Laws

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

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

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Franklin, Hampden, Hampshire, and Berkshire Counties in Massachusetts; Rockingham, Cheshire, and Hillsborough Counties in New Hampshire and the entire State of Rhode Island from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in New Hampshire and Rhode Island remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respects:

In § 76.2, paragraph (e) is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera, virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

(e) * * *

(1) *Massachusetts.* All of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester Counties.

(2) *New Jersey.* All of Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, and Cape May Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective August 17, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of August 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-24603 Filed 8-23-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 4]

PART 102—DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Change in Provisions Designating Official Deciding Appeals and Authorizing Testimony by SBA Personnel

Sections 102.5 and 102.7 of SBA's Rules and Regulations implementing the Freedom of Information Act now designate the Assistant Administrator for Congressional and Public Affairs as the official to whom administrative appeals of refusals to disclose information shall be addressed; who makes final Agency decisions on such appeals; and who authorizes appearances and testimony by SBA officers and employees.

Because of an internal Agency reorganization, the title of the official with the foregoing responsibilities is now the Assistant Administrator for Advocacy and Public Communications.

Since this change involves a matter of internal Agency management, the Agency finds it unnecessary to issue this change as a notice of proposed rulemaking with opportunity for public comment, or to delay its effective date, as provided for in 5 U.S.C. 553.

Accordingly, pursuant to the authority in section 5 of the Small Business Act (72 Stat. 385, 15 U.S.C. 634), §§ 102.5(c), 102.5(e), and 102.7 of Part 102 of Title 13 of the Code of Federal Regulations are amended, effective on August 24, 1976, by substituting "Assistant Administrator for Advocacy and Public Communications" for "Assistant Administrator for Congressional and Public Affairs", wherever it appears.

Dated: August 17, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-24739 Filed 8-23-76;8:45 am]

[Rev. 9, Amdt. 7]

PART 123—DISASTER LOANS

Miscellaneous Amendments

Pursuant to authority cited below, Part 123 of Chapter I, Title 13 of the Code of Federal Regulations is amended as hereinafter set forth.

Information and effective date. Public Law 94–305, approved on June 4, 1976, 90 Stat. 663, et seq., amended various provisions of the Small Business Act, which compel textual changes, hereinafter set forth, in addition to conforming amendments published effective June 25, 1976 (41 FR 26203). Since the regulatory amendments in question do not come within the public rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553), and comments thereon are not required, such comments are therefore not being solicited. Interested persons, however, are invited to send comments, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

SBA has under consideration at the present time further proposed implementing amendments, necessary to carry into effect the statutory changes made by Pub. L. 94–305. They will be the subject of one or more Notices of Proposed Rulemaking to be published in the FEDERAL REGISTER, under the public rulemaking procedures prescribed by Section 4 of the Administrative Procedure Act, and the public will be invited to submit written comments prior to promulgation.

In view of the fact that these amendments carry out the statutory mandate of Pub. L. 94–305, and pursuant to the authority granted by section 5(b)(6) of the Small Business Act, 15 U.S.C. § 634 the amendments hereinafter set forth are effective June 4, 1976.

Part 123 is amended as follows:

§ 123.1 General. [Amended]

(1) Section 123.1 is amended by substituting in paragraph (b)(3) a period for the comma after the word "causes" and deleting the rest of the sentence.

(2) Section 123.1 is further amended by deleting paragraphs (c)(3) and (4) thereof.

§ 123.2 Eligibility. [Amended]

(3) Section 123.2 is amended by deleting subsection (a) (2) (i) therein. It will hereafter be identified as [Reserved].

(4) Section 123.2 is further amended by amending subsections (a) (5) (ii) to read as follows:

* * * * *

(ii) An otherwise eligible small business concern is eligible for product disaster assistance to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(5) Section 123.2 is further amended by deleting subsection (b) (1) (ii) therein. It will hereafter be identified as [Reserved].

§ 123.3 Purpose of loans. [Amended]

(6) Section 123.3 is amended by substituting a period for the comma after the word "causes" in the first sentence of paragraph (d) therein, and deleting the rest of the sentence.

(Catalog of Federal Domestic Assistance Programs Nos. 59.001, 59.002, 59.008, 59.010, 59.014, 59.017, 59.018, 59.020, 59.021, 59.022, 59.023, 59.024 and 59.025.)

Dated: August 12, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-24690 Filed 8-23-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 604-8]

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Correction

1. In 40 CFR Part 51.7 (b) (1) the reference to "paragraph (4) (i) and (ii)" should be changed to "paragraph (b) (4) (i) and (ii)."

2. In 40 CFR Part 51.7 (b) (5) the reference to "section 51.6 (g)" should be changed to "section 51.6 (d)."

3. In 40 CFR Part 51, Appendix L, Table II, Part B.2. the phrase under the heading "Sources of Air Pollution" should be changed to "Coal and oil-fired process steam generating facilities."

4. FEDERAL REGISTER Document 73-25119, published at page 33702 in the issue dated Thursday, December 6, 1973, granted a two-year extension for carbon monoxide and photochemical oxidants in Virginia's portion of the National Capital interstate region. This extension had been previously denied in the June 22, 1973, FEDERAL REGISTER. The December 6th FEDERAL REGISTER failed to revoke the original denial in 40 CFR Part 52.2428(c). This notice corrects that oversight by revoking 40 CFR Part 52.2428(c).

Dated: August 19, 1976.

ERIC O. STORK,
Acting Assistant Administrator for OAWM.

[FR Doc.76-24796 Filed 8-23-76;8:45 am]

[FRL 602-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indiana—Approval/Disapproval of Plan Revisions

Pursuant to Section 110 of the Clean Air Act, the State of Indiana submitted to the Administrator of the United States Environmental Protection Agency a State Implementation Plan (SIP) on January 31, 1972 to achieve the National Ambient Air Quality Standards (NAAQS). The plan was approved by the Administrator on May 31, 1972 (37 FR 10842) with several exceptions, including a partial disapproval of the sulfur dioxide regulation. Subsequent to the May 31, 1972 action, the State submitted an amended sulfur dioxide regulation for stationary sources which the Administrator approved on May 14, 1973 (38 FR 12698).

In 1974, the Indiana Air Pollution Control Board, after public notice and hearing, adopted revisions to APC-13 and adopted a new regulation APC-22. On October 3, 1974 the Technical Secretary of the Air Pollution Control Board (APCB), acting for the Governor of Indiana, submitted to the Regional Administrator a new regulation APC-22, and on December 5, 1974 submitted Revised APC-13. With the revised regulations, the State submitted a technical support document describing the rationale for the changes to the regulations. Other regulatory changes were also submitted as revisions to the Indiana SIP, and on May 2, 1975 (40 FR 19210) the Regional Administrator of the USEPA, Region V published for public comment these proposed revisions to the regulations contained in the SIP. Final rulemaking action on Revised APC-3, APC-16, APC-17, APC-18, APC-20, and APC-22 (in part) appeared in the October 28, 1975 FEDERAL REGISTER (40 FR 50032). Disapproval of Revised APC-15 occurred on May 6, 1976 (41 FR 18654).

The remaining regulatory changes affect the control of sulfur dioxide. APC-13 sets emission limitations based on formulae, and APC-22 classifies counties within Indiana according to the need for control of emissions from sources located in each county. Thus, the submission is a complete revision of the applicable control strategy for sulfur dioxide.

In the May 2, 1975 FEDERAL REGISTER Notice, EPA proposed approval of APC-13, with certain exceptions, and APC-22 as it applies to APC-13 for all counties in Indiana except Dearborn, Floyd, Jefferson, LaPorte, Marion, Pike, Porter, Sullivan, Vermillion, Vigo, and Warrick.

On July 18, 1975 the State submitted additional data containing a reanalysis of the eleven counties questioned by EPA, otherwise described as the Revised Indiana Technical Support Document. This document describes in detail the methodology utilized by the State in deriving County Basin Classifications. Basically, the methodology utilizes computer dispersion models.

EPA reviewed this document (see detailed comments in EPA Technical Review Document) and has determined it to be deficient in the following respects:

(1) Maintenance of sulfur dioxide NAAQS was not addressed;

(2) Actual (1974) versus design or maximum operating conditions were used as input to the model;

(3) Meteorology of selected days from 1974 versus a representative year of meteorology was used as input to the model;

(4) Factors such as growth, representative load, and variability of sulfur content in coal were not considered;

(5) APC-13 and APC-22 failed to insure that emissions from a source would not increase from one year to the next.

In response to the May 2, 1975 proposal, a total of twenty-two comments were submitted on APC-13 and APC-22. Several requests for an extension of the comment period were received. Although these requests were not officially granted, EPA informally accepted comments through September 15, 1975. Many comments concerned the potential economic impact on public and industrial consumers and the Indiana coal industry if current SO_2 control requirements were retained in the counties whose redesignations were identified as unacceptable in the May 2, 1975 proposal. However, the comments provided only a superficial quantification of the economic impact of retaining the old control strategy. While the EPA is concerned about the costs of emission reduction, the recent decision in *Union Electric* v. *EPA*, No. 74-1542, decided June 25, 1976, confirmed the Agency's position that approval/disapproval must be based solely on compliance/non-compliance with the provisions of § 110(a) (2) (A-H) and that said provisions do not include a consideration of technological and economic feasibility. Therefore, cost can have no bearing on the Agency's final action on this plan revision. Three comments questioned the need for monitors in counties classified "C" and the use of dispersion modeling for classification. The requirement for installation of air quality monitors only affects major sources and will provide source specific air quality data which is needed to assure maintenance of the NAAQS in the vicinity of these sources. The EPA must rely on dispersion modeling for predicting air quality, especially when adequate valid air quality data is not available. Even where air quality data is available, modeling is useful as a complement to the ambient data.

The remaining comments discussed at length monitoring and modeling studies in support of the contention that "A"

classifications were unnecessary for specific counties. These remarks were evaluated, together with the State Division of Air Pollution Control's (DAPC's) Technical Support Documents.

This notice finalizes action on APC–13 and APC–22 insofar as it classifies countries for purposes of controlling sulfur dioxide. These regulations are approved as Indiana SIP revisions with the following exceptions:

(1) APC–13, Section 1(b)(2) insofar as the phrase "equivalent full load" would exempt from control boilers used moderately at less than rated capacity because the State failed to demonstrate that such exemptions would not interfere with attainment/maintenance of NAAQS throughout Indiana.

(2) APC–13, Section 2(a):

(a) the formula "$E_p=17.0\ Q_m^{0.67}$ where $E_p=E_m\times Q_m$" is disapproved because it permits the maximum allowable emissions (E_m) to increase if combustion sources are operating at less than rated capacity (Q_m). The State failed to demonstrate that such an allowance would not interfere with attainment/maintenance of standards.

(b) The modification of Q_m where non-Indiana coal is burned because "effluent gas volume" has not been defined and the State has not demonstrated that the less stringent emission limitation which could result from application of the modification will not interfere with attainment/maintenance of standards.

(3) APC–13, Sections 2(a), 3(c), 4(b), and 4(c) as they refer to "direct-fired process operations" because the State failed to demonstrate that the controls required by Section 2(a) as applied to these sources would result in attainment/maintenance of standards throughout Indiana.

(4) APC–13, Section 3(c) formulae insofar as they could be interpreted to permit reassignment of a county to a "B" or "C" Basin designation because of increased stack heights. Such interpretation is inconsistent with Environmental Protection Agency policy (see statement in February 18, 1976 FEDERAL REGISTER, 41 FR 7450) and the constant emission limitations requirement of Section 110(a) of the Clean Air Act [See *Big Rivers Electric Co. et. al.* v. *EPA*, 523 F. 2d 16 (6th Cir. 1975.)]

(5) APC–22, Section 4 priority classifications for sulfur dioxide control in Jefferson, LaPorte, Porter, Vigo and Warrick Counties because the Technical Support Documents provided by the State failed to demonstrate that primary and secondary standards for sulfur dioxide will be attained and maintained in these counties. Adequacy of emission and/or air quality data and adequacy of background values used in determining whether the 24-hour standard could be met without immediate control were questionable items in the State's support document.

All sources in the above-mentioned counties will be required to comply with the emission limitations specified in "old" APC–13, as finally approved on May 14, 1973 (38 FR 12698). Sources having greater than 3,000 million BTU per hour heat input are subject to an emission limitation of 1.2 lbs. of sulfur dioxide per million BTU heat input while smaller sources are subject to a sliding scale.

Finally, it should be noted that any reclassification of a county by the Board pursuant to Section 5 of APC–22 is considered a revision to the applicable SIP and must be formally submitted to the Administrator for approval.

With the exceptions noted above, all other portions of revised APC–13 and APC–22 insofar as it classifies counties for purposes of sulfur dioxide control are approved as meeting the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. Although the Circuit Court of Marion County declared these rules invalid in Indiana-Kentucky Electric, et al. v. Indiana Environmental Management Board, Case No. C73–675, and enjoined defendants from enforcing same on November 11, 1975, these rules meet the requirement of 40 CFR 51.22 that they be enforceable because the State is appealing the Circuit Court's decision and the court stayed its injunction pending the appeal on March 24, 1976.

This rulemaking will be effective immediately. The Agency finds good cause exists for not deferring the effective date of this rulemaking because the regulatory requirements are already in effect under State law and Federal approval imposes no new burden.

On May 6, 1976 (41 FR 18654), when EPA disapproved revised APC–15 (Hydrocarbons) and APC–22 as it reclassified areas for control of Hydrocarbons, the FEDERAL REGISTER notice did not contain the Part 52 amendments to the CFR. This inadvertent omission is being corrected today and does not affect in any way the finality of the May 6 disapproval action.

A technical review document discussing the background for the decision on APC–13 and APC–22 is available for inspection in the Region V Office of the U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604; the Public Information Reference Unit, U.S. Environmental Protection Agency, Waterside Mall, Washington, D.C.; and the Indiana Air Pollution Control Board, 1330 W. Michigan Street, Indianapolis, Indiana.

AUTHORITY: 42 USC 1857c–5(a)

Dated: August 18, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart P—Indiana

1. In § 52.770, paragraph (c), subparagraphs (13) and (14) are revised and subparagraph (15) is added as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(13) On October 3, 1974, the Technical Secretary submitted revised regulations APC–16 covering CO, APC–17 covering NO_x and a new regulation APC–22 covering classification of counties for SO_2, oxidants, particulates, NO_2 and CO.

(14) On November 8, 1974, the Technical Secretary submitted revised regulation APC–3 covering visible emissions and revised regulation APC–15 covering hydrocarbons.

(15) On December 5, 1974, the Technical Secretary submitted revised regulation APC–13 covering SO_2. On July 18, 1975, an updated Technical Support Document on APC–13 was submitted by the Technical Secretary.

2. In § 52.771, paragraphs (c) and (d) are added as follows:

§ 52.771 Classification of regions.

* * * * *

(c) The requirements of § 51.3(a) of this chapter are not met by the classification of counties in APC–22 for the purposes of attainment and maintenance of the photochemical oxidant (hydrocarbon) standard.

(d) The requirements of 51.3(a) of this chapter are not met by the classification of Jefferson, LaPorte, Porter, Vigo and Warrick Counties in Indiana in Regulation APC–22 for the purposes of attainment and maintenance of the sulfur dioxide ambient air quality standards.

3. In § 52.777, paragraph (b) is added as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(b) The requirements of § 51.14 are not met by Revised APC–15 (November 8, 1974 submission) because it does not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Indiana.

3. Section 52.795 is added as follows:

§ 52.795 Control strategy: Sulfur dioxide.

(a) Revised APC–13 (December 5, 1974 submission) of Indiana's Air Pollution Control regulations (sulfur dioxide emission limitation) is disapproved insofar as the provisions identified below will interfere with the attainment and maintenance of the sulfur dioxide ambient air quality standards:

(1) The phrase "equivalent full load" in Section 1(b)(2).

(2) The formula "$E_p=17.0\ Q_m^{0.67}$ where $E_p=E_m\times Q_m$" in Section 2(a).

(3) The phrase "Direct fired process operations" in Sections 2(a), 3(c), 4(b), and 4(c).

(4) The modification of Q_m for non-Indiana coal as expressed in Section 2(a).

[FR Doc.76–24795 Filed 8–23–76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP6E1775/R108; FRL 603–8]

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

Captafol

On June 29, 1976, the Environmental Protection Agency (EPA) published in

the FEDERAL REGISTER (41 FR 26707) a notice of proposed rulemaking, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, which proposed that 40 CFR 180.267 be amended by the establishment of a tolerance for residues of the fungicide captafol (*cis-N*-[(11,2,2-tetrachloroethyl) thio] -4-cyclohexene-2, 3-dicarboximide) in or on the raw agricultural commodity blueberries at 35 parts per million.

This notice of proposed rulemaking was issued in response to a pesticide petition (PP 6E1775) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Georgia, Michigan, New Jersey, North Carolina, and Pennsylvania. No comments or requests for referral to an advisory committee were received by EPA in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to the regulations be adopted without change. This amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before September 23, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, 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 August 24, 1976, 40 CFR 180.267 is amended as set forth below.

Dated: August 17, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.267 is amended by alphabetically inserting a tolerance of 35 ppm for the raw agricultural commodity blueberries, to read as follows:

§ 180.267 Captafol; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Blueberries	35
* * * * *	

[FR Doc.76-24702 Filed 8-23-76;8:45 am]

Title 45—Public Welfare

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

STATE ADMINISTERED PROGRAMS

Correction

In FR Doc. 76-226, on page 1395 in the issue of Wednesday, January 7, 1976, certain citations to regulations were incorrect. Paragraphs one through six of that document are corrected to read as follows:

Title 45 of the Code of Federal Regulations is amended as follows:

PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

§ 117.2 [Amended]

1. In Part 117, § 117.2 is amended by deleting the last sentence in paragraph (d), and by deleting paragraph (i).

PART 121a—ASSISTANCE TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

§ 121a.5 [Amended]

2. In Part 121a, § 121a.5 is amended by deleting paragraph (b).

3. In Part 130, § 130.22 is amended by deleting and reserving paragraph (a) and by revising the remainder of the section to read as follows:

PART 130—LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

§ 130.22 Amendment of State plan.

(a) [Reserved].

(b) Long-range program. The long-range program shall be amended to reflect changes in:

(1) Estimates of present and projected program needs;

(2) The plan of action for meeting these needs; and

(3) Policies, criteria, priorities, and procedures.

(c) Amendments of the basic State plan and the long-range program shall be submitted each year as part of the annual extension of the long-range program submitted pursuant to § 130.20(b).

(20 U.S.C. 351d, 354, 355c, 355e-2)

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS

§ 141.6 [Amended]

4. In Part 141, § 141.6 is amended by deleting paragraph (c).

PART 166—STATE ADULT EDUCATION PROGRAMS

§ 166.15 [Removed]

5. In Part 166, § 166.15 is deleted.

PART 173—FINANCIAL ASSISTANCE FOR COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

§ 173.13 [Removed]

6. In Part 173, § 173.13 is amended by deleting paragraph (b).

(Catalog of Federal Domestic Assistance Nos. 13.400-13.571, Office of Education.)

Dated: August 17, 1976.

BRYAN B. MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76-24769 Filed 8-23-76;8:45 am]

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Disregard of Benefits Received Under Other Laws; Correction

In FR Doc. 76-8777 appearing at page 13357 in the FEDERAL REGISTER of Tuesday, March 30, 1976, paragraph 1.c. of the preamble is corrected by adding a period following the words "Pub. L. 93-113" and deleting the phrase "who were receiving assistance prior to becoming VISTA volunteers." The correction is necessary to make the summarization of regulation changes in the preamble consistent with the regulation language. The disregard of VISTA payments applies to both applicants and recipients of public assistance.

Approved: August 17, 1976.

BRYAN B. MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76-24770 Filed 8-23-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. No. 1236]

PART 1033—CAR SERVICE

Chesapeake and Ohio Railway Company

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 18th day of August, 1976.

It appearing, That a portion of the line of the Erie-Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, (EL), located between State Line Tower and Hy Tower, in the vicinity of Hammond, Indiana, was removed from service on April 1, 1976; that these tracks of the EL were used by The Chesapeake and Ohio Railway Company (C&O), as a portion of its main line

between Cincinnati, Ohio, and Chicago, Illinois; that there is no other practical route for the operation through Hammond of the C&O trains; that an alternate route for the aforementioned trains of the C&O is available via certain tracks of The Baltimore and Ohio Railroad Company (B&O), between Wellsboro, Indiana, and Pine Junction, Indiana; that the B&O has consented to use of these tracks by the C&O; that operation by the C&O of its trains over the aforementioned tracks of the B&O is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1236 The Chesapeake and Ohio Railway Company authorized to operate over tracks of the Baltimore and Ohio Railroad Company.

(a) The Chesapeake and Ohio Railway Company (C&O) be, and it is hereby authorized to operate over tracks of The Baltimore and Ohio Railroad Company (B&O), between Wellsboro and Pine Junction, Indiana, a distance of 35.06 miles, pending disposition of the application of the C&O in Finance Docket No. 28188, seeking permanent authority to operate over these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the C&O over tracks of the B&O is deemed to be due to carrier's disability, the rates applicable to traffic moved by the C&O over these tracks of the B&O shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Nothing in this order shall be deemed to relieve the C&O of its obligations to operate as a common carrier over its line between La Crosse, Indiana, and its connection with the EL at Hy Tower in Hammond, Indiana, to the extent required to provide rail transportation to shippers dependent on the C&O for railroad service.

(e) *Effective date:* This order shall become effective at 11:59 p.m., August 31, 1976.

(f) *Expiration date:* The provisions of this order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members, Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24803 Filed 8-23-76;8:45 am]

[Docket No. 35867]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Revision of Regulations for the Construction, Filing, and Posting of Tariffs of Common Carriers of Property by Motor Vehicle and Tariffs of Certain Common Carriers by Water

Correction

In FR Doc. 76-21147 appearing on page 30590 in the issue for Monday, July 26, 1976, the following changes should be made:

(1) On page 30600, in § 1310.6 (n) (6), the symbols at the top of the third column should have read as follows:

↓ or (R) to denote reductions
♦ or (A) denote increases
▲ or (C) denote changes which result in neither increases nor reductions in charges
● to denote no change in rate (see § 1310.10 (f) (rule 10))
+ to denote intrastate application only
□ to denote reissued matter (see § 1310.10 (g) (rule 10))

352 I.C.C.

(2) On page 30624, in the third column, after the 4th line of § 1310.25(o), the following line was omitted: "old carrier has on file, and the authority".

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

PART 32—HUNTING

Individual Wildlife Refuge Areas

The following special regulation is issued and is effective on September 1, 1976.

§ 26.34 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

For purposes of protecting wildlife habitat and the fragile environment of the 660,000-acre Kofa Game Range, Arizona, camping is limited for each person to 14 days during any 12-month period. Recreational (non-commercial) rockhounding, including digging with simple hand tools, is permitted only in the designated area known as Crystal Hill, described as follows:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 18 W.,
Sec. 2, lots 3 and 4, S½NW¼ and SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Secs. 9 and 10;
Sec. 11, W½;
Sec. 14, NW¼;
Sec. 15, N½.

The areas described aggregate 3,684.39 acres.

On the remainder of the Kofa Game Range outside the designated Crystal Hill area, collecting of rocks or minerals, or both, is restricted to materials that are exposed and collectible without the use of tools. Digging, including the use of simple hand tools, is prohibited except in the designated area known as Crystal Hill.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1976.

The following special regulations are issued and are effective on date of publication in the Federal Register. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of doves on the Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Arizona—mourning and white-winged doves, from September 1 through September 20, 1976, inclusive; mourning doves only, from December 11 through January 9, 1977, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1976, inclusive; and from November 20 through December 5, 1976, inclusive. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 7,500 acres, are delineated on maps available at refuge headquarters, Blythe, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

(2) Pits or permanent blinds are prohibited.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

(4) Campfires will be permitted only in designated areas. All other open fires are prohibited.

(5) Cibola Lake, located in Zone I, is closed to fishing from October 1 through March 1 during the waterfowl use period.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1977.

HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning and white-winged doves, from September 1 through September 20, 1976, inclusive; mourning doves only, from December 11, 1976 through January 9, 1977, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1976, inclusive; and from November 20 through December 5, 1976, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

(3) Hunters may enter the Topock Marsh and Pintail Slough hunt areas by way of the parking lot only.

(4) Shooting hours are from one-half hour before sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1977.

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning doves only, from December 11, 1976 to January 9, 1977, inclusive; California—mourning and white-winged doves, from November 20 through December 5, 1976, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1977.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 1 through October 30, 1976, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Steel (iron) shot shotgun ammunition only may be used for the taking of doves on the South Refuge Unit (Area C) during the special teal hunting season (September 18 through September 26, 1976, inclusive) and during the regular waterfowl hunting season when both seasons run concurrently. Steel (iron) shot shotgun ammunition is available from at least 2 commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1976.

The public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 18 through September 26, 1976, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Steel (iron) shot shotgun ammunition only may be used for the taking of teal ducks on the South Refuge Unit (Area C) from September 18 through September 26, 1976, inclusive. Steel (iron) shot shotgun ammunition is available from at least 2 commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 26, 1976.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from September 1 through October 30, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,775 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) The refuge is open to public use only from one-hour before sunrise to one-half hour after sunset.

(3) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1976.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

The public hunting of doves and teal on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: doves, from September 1 through October 30, 1976, inclusive; teal, from September 11 through September 19, 1976, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves and teal subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Only longbow and arrow or shotguns without slug ammunition are permitted.

(3) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through the last day of the regular 1976–77 duck season.

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1976, inclusive.

(2) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1976.

The public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted from September 11 through September 19, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 19, 1976.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

The public hunting of teal ducks on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Bastrop, Christmas and Drum Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) The open season for hunting of teal ducks on the refuge extends from September 18 through September 26, 1976, inclusive.

(2) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

(3) Only temporary blinds may be constructed or used on the hunting area. Natural materials may be used for blind construction.

(4) Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 26, 1976.

HAGERMAN NATIONAL WILDLIFE REFUGE

The public hunting of mourning doves on the Hagerman National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,754 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special condition:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1976, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1976.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, New Mexico.

AUGUST 16, 1976.

[FR Doc.76-24693 Filed 8-23-76;8:45 am]

PART 32—HUNTING

Necedah National Wildlife Refuge

The following special regulation is issued and is effective on August 24, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer and unprotected mammal species as listed in the 1976 Wisconsin Big Game hunting regulations on the Necedah National Wildlife Refuge, Wisconsin is permitted with bow and arrow from September 18 through November 14, 1976 and December 4 through December 31, 1976 and with firearms from November 20 through November 28, 1976, but only on those areas designated by signs as open to hunting. These open areas comprising approximately 39,000 acres are delineated on a map available at the refuge headquarters, Necedah, Wisconsin and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

JAMES M. CARROLL, Jr.,
Refuge Manager,
Necedah National Wildlife Refuge.

AUGUST 16, 1976.

[FR Doc.76-24696 Filed 8-23-76;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge

The following special regulation is issued and is effective on August 24, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

The public hunting of ruffed grouse, pheasant, grey and fox squirrels, rabbits and hares, raccoon, fox and skunk on the Sherburne National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 18,360 acres, is delineated on a map available at refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) No night hunting for raccoon.

(2) All motorized conveyances are prohibited from traveling off of established

roads and parking areas open to such travel.

(3) Parking of vehicles is restricted to designated parking areas.

(4) Practice and target shooting, overnight camping and open fires are prohibited.

(5) Construction or use of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(6) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(7) Snowmobile operations are prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11 and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through February 28, 1977.

JOHN E. WILBRECHT,
Refuge Manager,
Sherburne National Wildlife Refuge.

AUGUST 16, 1976

[FR Doc.76-24694 Filed 8-23-76;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge

The following special regulation is issued and is effective on August 24, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 18,360 acres, is delineated on a map available at the refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Practice and target shooting, overnight camping and open fires are prohibited.

(4) Construction or use of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11 and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 14, 1976.

JOHN E. WILBRECHT,
Refuge Manager,
Sherburne National Wildlife Refuge.

AUGUST 16, 1976.

[FR Doc.76-24695 Filed 8-23-76;8:45 am]

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

PART 222—ENDANGERED FISH OR WILDLIFE

Contracts with GSA; Correction

In the FR Doc. number 76-24204, appearing at page 34970 in the issue of August 18, 1976, on page 34973, 50 CFR, Chapter II, Part 222, § 222.13-4, of Subpart B, is corrected to read as follows:

§ 222.13-4 Contracts with the General Services Administrator.

Any person who has entered into a valid contract with the Administrator of the United States General Services Administration, prior to July 12, 1976 and pursuant to the notice published in the FEDERAL REGISTER on January 9, 1973, for the sale of government-owned pre-Act endangered species parts shall not be required to obtain a certificate of exemption prescribed by this subpart: *Provided,* That the purchaser is able to claim a right under a certificate of exemption issued to the Administrator of the General Services Administration: *Provided further,* That if such pre-Act endangered species parts are commingled, amalgamated, or otherwise combined with such person's current inventory or stockpile, so as to preclude a reasonable determination of one stock from the other, it may not be further sold or transferred without a certificate of exemption first having been granted therefor.

Dated: August 19, 1976.

JACK W. GEHRINGER,
Deputy Director.

[FR Doc.76-24719 Filed 8-23-76;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

SUBCHAPTER B—INTERNATIONAL MAIL

PART 10—INTERNATIONAL POSTAL SERVICE

SUBCHAPTER C—POST OFFICE SERVICES [DOMESTIC MAIL]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Incorporation by Reference

Purpose. The purpose of this document is to incorporate by reference Publication 42, International Mail, of the U.S. Postal Service. The regulations accomplishing this are set forth as Part 10 of Title 39 of the Code of Federal Regulations. The provision that incorporates the domestic mail regulations (39 CFR Part 111) is also being amended.

Pursuant to the policy and provisions of 5 U.S.C. 552(a) relating to material deemed published in the FEDERAL REGISTER when readily available to the public, Postal Service Publication 42, International Mail, is incorporated by reference. Publication 42 is and will remain readily available to all users of the U.S. Postal Service and may be examined at National Headquarters and all regional offices of the Postal Service, at any of the more than 31,000 United States Post Offices, and at all classified stations and branches during normal business hours. Publication 42 is sold in looseleaf subscription form by the Superintendent of Documents, Washington, D.C. 20402, for $9.00.[1]

Publication 42 has undergone a major change in its organization, format, and numbering system in the last year. However, except for revisions implementing changes in international mail regulations adopted by the 1974 Congress of the Universal Postal Union, notice of which was published in the FEDERAL REGISTER of January 28, 1976 (41 FR 4078), Publication 42 is not a substantive revision of the regulations on international mail. It is, therefore, substantially identical in content, although not in arrangement or style, to present Subchapter B of Chapter I, 39 CFR, concerning international mail.

In order to assure ready access for scholars and researchers and to provide historical continuity, all future amendments to Publication 42 will be published in full in the FEDERAL REGISTER. In addition, Publication 42 has a subject matter index which will also be published in the FEDERAL REGISTER and periodically updated.

This change in the manner of publication of Postal Service regulations governing international mail service establishes a more efficient and economical means of making the material available to the public. It will greatly reduce the amount of duplication of published material appearing in Publication 42, the FEDERAL REGISTER and the Code of Federal Regulations.

To govern this new format the regulations contained in 39 CFR Chapter I, Subchapter B (Parts 11-74) are revoked and Part 10 is established to take their place.

Under existing provisions incorporating domestic mail regulations in the FEDERAL REGISTER (39 CFR Part 111) the Postal Service is required to file amendments to the Postal Service Manual with the Director, Office of the Federal Register and to publish in the FEDERAL REGISTER an explanation of the changes. Consistent with the procedure announced above for Publication 42, § 111.3 is revised to require that future amendments to the

[1] See page 35685 of this issue of the FEDERAL REGISTER for a document issued by the Office of the Federal Register concerning the availability of Publication 42 within the FEDERAL REGISTER system.

Postal Service Manual will be published in full text in the FEDERAL REGISTER.

The Postal Service is exempt from the provisions of 5 U.S.C. 553 by reason of 39 U.S.C. 410(a). However, in the spirit of those provisions and notwithstanding the immediate effectiveness of this document, the Postal Service invites comments on the effects of this approach to Postal Service regulations and of their availability to the mailing public. Comments should identify this document as a basis for communication and be directed to: W. Allen Sanders, Assistant General Counsel, Legislative Division, Law Department, Room 9101, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408)

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

Accordingly, effective September 1, 1976, Parts 11–74 of Subchapter B of Title 39 are revoked and Part 10 is established, and § 111.3 of Subchapter C is revised to read as follows:

Sec.
10.1 Postal Service Publication 42, International Mail, incorporation by reference of international mail regulations.
10.2 Availability of Postal Service Publication 42, International Mail.
10.3 Amendments to Postal Service Publication 42, International Mail.
10.4 Approval of the Director of the Federal Register.
10.5 Contents of Postal Service Publication 42, International Mail.

AUTHORITY: 5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408.

§ 10.1 Postal Service Publication 42, International Mail; incorporation by reference of international mail regulations.

Section 552(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that "* * * matter reasonably available to the class of persons affected thereby is deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the FEDERAL REGISTER. In conformity with that provision, and with 39 U.S.C. 410(b)(1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, Postal Service Publication 42, International Mail, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, D.C. 20260.

§ 10.2 Availability of Postal Service Publication 42, International Mail.

(a) Copies of Postal Service Publication 42, International Mail, are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of Postal Service Publication 42, International Mail, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 "L" Street, NW, Room 8401, Washington, D.C.

(c) Copies of Postal Service Publication 42, International Mail, may be purchased from the Superintendent of Documents, Washington, D.C. 20402 for $9.00. This price includes entitlement to receive, for an indefinite period, changes in Publication 42 which may be published from time to time. Information about international mail also appears in condensed form in Publication 51, which the Postal Service publishes and distributes to all post offices and area supply centers. This publication is available to the public free of charge at all post offices and classified stations and branches.

§ 10.3 Amendments to Postal Service Publication 42, International Mail.

Changes in Postal Service Publication 42 will periodically be published in the FEDERAL REGISTER. Subscribers to Publication 42 will automatically receive the amendments from the Government Printing Office.

§ 10.4 Approval of the Director of the Federal Register.

(a) Incorporation by reference of Postal Service Publication 42, International Mail, was approved by the Director of the Federal Register under 5 U.S.C. 552a and 1 CFR Part 51.

(b) This approval was granted on August 18, 1976, effective until July 1, 1977 when it will expire without further action unless renewed and extended by the Director upon application by the U.S. Postal Service.

§ 10.5 Contents of Postal Service Publication 42, International Mail.

Postal Service Publication 42, International Mail, contains the following parts:

(a) CHAPTER 1—INFORMATION FOR USE OF THIS PUBLICATION

(1) SUBCHAPTER 110—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 120—PURPOSE OF THE PUBLICATION

(3) SUBCHAPTER 130—CATEGORIES OF INTERNATIONAL MAIL

(i) Part 131—General.
(ii) Part 132—Differences Between Postal Union Mail and Parcel Post Mail.
(iii) Part 133—Differences Among Countries.

(4) SUBCHAPTER 140—USE OF THE PUBLICATION

(i) Part 141—Organization and Format.
(ii) Part 142—Location of Information.

(5) SUBCHAPTER 150—OFFICIAL CORRESPONDENCE

(i) Part 151—Correspondence with Headquarters.
(ii) Part 152—Correspondence with Foreign Postal Authorities.
(iii) Part 153—Correspondence with Individuals in Other Countries.

(b) CHAPTER 2—OUTGOING POSTAL UNION MAIL.

(1) SUBCHAPTER 210—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 220—CONDITIONS FOR MAILING

(i) Part 221—Conditions for All Articles.
(ii) Part 222—Conditions for Letters and Letter Packages.
(iii) Part 223—Conditions for Post Cards.
(iv) Part 224—Conditions for Printed Matter.
(v) Part 225—Conditions for Matter for the Blind.
(vi) Part 226—Conditions for Small Packets.

(3) SUBCHAPTER 230—TREATMENT OF OUTGOING MAIL

(i) Part 231—Postmarking.
(ii) Part 232—Postage.
(iii) Part 233—Improperly Prepared Mail.
(iv) Part 234—Forwarding Mail of Domestic Origin.
(v) Part 235—Undeliverable Mail Returned to United States.
(vi) Part 236—Articles Mailed Aboard Ships (Paquebot).

(c) CHAPTER 3—OUTGOING PARCEL POST

(1) SUBCHAPTER 310—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 320—CONDITIONS FOR MAILING

(i) Part 321—Parcel Post Defined.
(ii) Part 322—Availability of Service.
(iii) Part 323—Prohibitions and Restrictions.
(iv) Part 324—Postage.
(v) Part 325—Weight and Size Limits.
(vi) Part 326—Preparation for Mailing.
(vii) Part 327—Forms Required.
(viii) Part 328—Marking and Endorsing.
(ix) Part 329—Mailing Location.

(3) SUBCHAPTER 330—TREATMENT OF OUTGOING PARCELS

(i) Part 331—Postmarking.
(ii) Part 332—Shortpaid Parcels.
(iii) Part 333—Forwarding Parcels of Domestic Origin.

(d) CHAPTER 4—SPECIAL SERVICES

(1) SUBCHAPTER 410—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 420—AIR SERVICE

(i) Part 421—Air Service Defined.
(ii) Part 422—Availability of Air Service.
(iii) Part 423—Postage.
(iv) Part 424—Marking and Endorsing for Air Service.
(v) Part 425—Aerogrammes.

(3) SUBCHAPTER 430—INSURANCE

(i) Part 431—Insurance Defined.
(ii) Part 432—Availability and Limits of Insurance.
(iii) Part 433—Insurance Fees.
(iv) Part 434—Preparation for Mailing Insured Parcels.
(v) Part 435—Processing Requests for Insurance.
(vi) Part 436—Treatment of Incoming Insured Parcels.
(vii) Part 437—Indemnity Claims and Payments.

(4) SUBCHAPTER 440—REGISTRY SERVICE

(i) Part 441—Registry Service Defined.
(ii) Part 442—Availability of Registry Service and Indemnity Limits.
(iii) Part 443—Registry Fees.
(iv) Part 444—Preparation of Registered Mail by Sender.
(v) Part 445—Processing Requests for Registry at Office of Mailing.

(vi) Part 446—Treatment of Outgoing Registered Mail at all Offices.
(vii) Part 447—Treatment of Incoming Registered Mail.
(viii) Part 448—Indemnity Claims and Payments.

(5) SUBCHAPTER 450—RETURN RECEIPTS

(i) Part 451—Definitions.
(ii) Part 452—Availability.
(iii) Part 453—Fees or Charges.
(iv) Part 454—Processing Requests for Return Receipts for Outgoing Mail.
(v) Part 455—Treatment of Return Receipts for Incoming Mail.

(6) SUBCHAPTER 460—RESTRICTED DELIVERY

(i) Part 461—Restricted Delivery Defined.
(ii) Part 462—Availability of Restricted Delivery.
(iii) Part 463—Fee for Restricted Delivery.
(iv) Part 464—Processing Requests for Restricted Delivery of Outgoing Mail.
(v) Part 465—Treatment of Requests for Restricted Delivery of Incoming Mail.

(7) SUBCHAPTER 470—SPECIAL DELIVERY

(i) Part 471—Special Delivery Defined.
(ii) Part 472—Availability of Special Delivery.
(iii) Part 473—Fees and Payment for Special Delivery.
(iv) Part 474—Processing Requests for Special Delivery of Outgoing Mail.
(v) Part 475—Treatment of Incoming Mail Prepared for Special Delivery.

(8) SUBCHAPTER 480—SPECIAL HANDLING

(i) Part 481—Special Handling Defined.
(ii) Part 482—Availability of Special Handling.
(iii) Part 483—Fees and Payment for Special Handling.
(iv) Part 484—Processing Requests for Special Handling of Outgoing Mail.

(9) SUBCHAPTER 490—OTHER SPECIAL SERVICES

(i) Part 491—Certificates of Mailing.
(ii) Part 492—Recall or Change of Address.
(iii) Part 493—International Money Orders.

(e) CHAPTER 5—NONPOSTAL EXPORT REGULATIONS

(1) SUBCHAPTER 510—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 520—REQUIREMENTS FOR SHIPPER'S EXPORT DECLARATION

(i) Part 521—Description.
(ii) Part 522—When Required.
(iii) Part 523—How to Obtain Commerce Forms.
(iv) Part 524—How to Prepare Shipper's Export Declaration.
(v) Part 525—Handling and Disposal of Shipper's Export Declaration.

(3) SUBCHAPTER 530—REGULATIONS FOR COMMODITIES AND RELATED TECHNICAL DATA

(i) Part 531—Scope and Applicability of Licensing Requirements.
(ii) Part 532—General Export Licenses.
(iii) Part 533—Validated Export Licenses.

(4) SUBCHAPTER 540—REGULATIONS FOR MUNITIONS AND RELATED TECHNICAL DATA

(i) Part 541—Licensing Requirements.
(ii) Part 542—Mailing Under Individual Licenses.

(5) SUBCHAPTER 550—REGULATIONS FOR DRIED WHOLE EGGS

(i) Part 551—Description.
(ii) Part 552—Charges.
(iii) Part 553—How to Mail Dried Whole Eggs.

(6) SUBCHAPTER 560—REGULATIONS FOR TOBACCO SEEDS AND TOBACCO PLANTS

(i) Part 561—Description.
(ii) Part 562—Charges.
(iii) Part 563—How to Mail Tobacco Seeds and Tobacco Plants.

(7) SUBCHAPTER 570—CONSULAR AND COMMERCIAL INVOICES

(8) SUBCHAPTER 580—DRAWBACK ARRANGEMENTS

(i) Part 581—Description.
(ii) Part 582—Processing Drawback Claims.

(f) CHAPTER 6—INCOMING POSTAL UNION MAIL

(1) SUBCHAPTER 610—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 620—CHARGES

(i) Part 621—Customs Clearance and Delivery Fee.
(ii) Part 622—Shortpaid Mail.
(iii) Part 623—Invalid Foreign Postage.
(iv) Part 624—Letters Found in AO Mail.
(v) Part 625—Returned Mail.
(vi) Part 626—Storage.

(3) SUBCHAPTER 630—FOREIGN MARKINGS INSTEAD OF STAMPS

(4) SUBCHAPTER 640—FORWARDING MAIL OF FOREIGN ORIGIN

(i) Part 641—Forwarding Mail within the United States.
(ii) Part 642—Forwarding Mail to Another Country.
(iii) Part 643—Backstamping.
(iv) Part 644—Postage-Due Mail.

(5) SUBCHAPTER 650—UNDELIVERABLE ARTICLES

(i) Part 651—Retention Period.
(ii) Part 652—Directory Service.
(iii) Part 653—Marking and Disposal.
(iv) Part 654—Storage Charges.
(v) Part 655—Postage-Due Mail.

(6) SUBCHAPTER 660—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

(i) Part 661—Scope and Applicability.
(ii) Part 662—Advance Payment Required.
(iii) Part 663—Treatment if Advance Payment Not Made.
(iv) Part 664—Report of Incoming Mailings.

(g) CHAPTER 7—INCOMING PARCEL POST

(1) SUBCHAPTER 710—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 720—CHARGES

(i) Part 721—Customs Clearance and Delivery Fee.
(ii) Part 722—Letters Found in Parcels.
(iii) Part 723—Returned Parcels.
(iv) Part 724—Storage.

(3) SUBCHAPTER 730—STAMPS NOT AFFIXED

(4) SUBCHAPTER 740—DELIVERY

(i) Part 741—Parcels Addressed Through Bank or Other Organization.
(ii) Part 742—Foreign Dispatch Notes.

(5) SUBCHAPTER 750—FORWARDING PARCELS OF FOREIGN ORIGIN

(i) Part 751—Forwarding Parcels Within the United States.
(ii) Part 752—Forwarding Parcels to the Country of Origin.
(iii) Part 753—Forwarding Parcels to a Third Country.
(iv) Part 754—Dutiable Parcels.
(v) Part 755—Postage-Due Parcels.

(6) SUBCHAPTER 760—UNDELIVERABLE PARCELS

(i) Part 761—Parcels of U.S. Origin.
(ii) Part 762—Parcels of Foreign Origin.

(h) CHAPTER 8—IMPORTATIONS

(1) SUBCHAPTER 810—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 820—U.S. CUSTOMS INFORMATION

(i) Part 821—Customs Examination of Potentially Dutiable or Prohibited Mail.
(ii) Part 822—Treatment of Dutiable Mail at Delivery Office.

(3) SUBCHAPTER 830—PLANT AND ANIMAL QUARANTINE INSPECTION

(i) Part 831—What is Subject to Inspection.
(ii) Part 832—Segregation and Handling.
(iii) Part 833—Agriculture Inspection Stations and Offices.

(i) CHAPTER 9—INQUIRIES, INDEMNITIES, AND REFUNDS

(1) SUBCHAPTER 910—WHAT THIS CHAPTER COVERS

(2) SUBCHAPTER 920—INQUIRIES

(i) Part 921—Inquiries Defined.
(ii) Part 922—Charges for Inquiries.
(iii) Part 923—Processing Inquiries.

(3) SUBCHAPTER 930—INDEMNITY CLAIMS AND PAYMENT

(i) Part 931—Definition.
(ii) Part 932—Initiation and Documentation of Claims.
(iii) Part 933—Indemnity Payments.

(4) SUBCHAPTER 940—POSTAGE REFUNDS

(i) Part 941—Refunds Defined.
(ii) Part 942—Application by Senders.
(iii) Part 943—Processing Refund Applications.

(j) APPENDIX A—QUICK REFERENCE INFORMATION, RATES AND FEES

(k) INDEX

§ 111.3 Amendments to Chapter I of Postal Service Manual.

Changes in Chapter I of the Postal Service Manual will periodically be published in the FEDERAL REGISTER. Subscribers to the Postal Service Manual will automatically receive the amendments from the Government Printing Office.

Amendments to postal service manual

Transmittal letter	Issues	Dated	FEDERAL REGISTER publication
29	81	Aug. 15, 1974	39 FR 31634
30	85	Oct. 1, 1974	39 FR 37487
31	89	Nov. 15, 1974	39 FR 41530
32	91	Nov. 17, 1974	39 FR 43629
33	94	Jan. 17, 1975	40 FR 4420
34	97	Feb. 17, 1975	40 FR 6207
35	98	Feb. 21, 1975	40 FR 8820
36	102	May 1, 1975	40 FR 22133
37	108	June 30, 1975	40 FR 31662
38	109	July 21, 1975	40 FR 31706
39	112	Dec. 15, 1975	41 FR 6250
40	114	June 30, 1976	41 FR 29136

[FR Doc.76-24697 Filed 8-23-76;8:45 am]

PART 10—INTERNATIONAL POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual; Incorporation by Reference

EDITORIAL NOTE.—The Director of the Federal Register has approved an extension of the incorporation by reference of the Postal Service Manual from September 1, 1976, until July 1, 1977, as provided in 39 CFR 111.4(a).

In addition, the Director of the Federal Register has agreed to incorporate by reference until July 1, 1977, the Postal Service Publication 42, International Mail, as provided in 39 CFR 10.4 (b). (See FR Doc. 76-24697 on page 35682 of this FEDERAL REGISTER.)

However, the Director of the Federal Register is considering publishing both the Postal Service Manual and the Postal Service Publication 42, International Mail, under separate cover as an Appendix to Title 39. This appendix would be considered a supplement to the Code of Federal Regulations (CFR), and would not be handled as a regular CFR volume. It would not conform to the uniform CFR codification system, but rather it would maintain the Postal Service Manual and Publication 42 organization and style. This appendix would not be revised annually, but would be supplemented periodically. This approach would provide historical continuity and ready access to bound volumes for scholars and researchers since both of the Postal Service publications are now in looseleaf form.

It should be pointed out that the original incorporation by reference of the domestic mail regulations (39 FR 20595, June 12, 1974) was adopted provisionally to allow for annual review. As part of the review process, we are issuing this document to determine how the public's need could best be served in light of its experience.

Comments on the need for and desirability of issuing an appendix volume to Title 39 are invited on or before October 7, 1976, to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: August 18, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76-24698 Filed 8-23-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Summary of Comments on Proposed Regulations

Final regulations governing the Summer Food Service Program for Children were published March 5, 1976 (41 FR 9533) following the publication of proposed rulemaking (41 FR 1078). This statement summarizes the comments, suggestions, and objections received on the proposed regulations from interested persons and describes the principal changes which were made in the final regulations.

Responses to the proposed regulations were received from a total of 94 organizations and individuals, 34 of whom wrote simply endorsing the comments received from other organizations. Only substantive comments will be noted in this summary.

(1) *Definitions:* The principal comments and suggestions received on the definitions may be summarized as follows:

(a) Many respondents suggested raising the age of eligible children to 21. However, the age of eligible children was maintained at 18 because it was felt that most of the participants would be within that age group and that it was consistent with Federal and State changes in legal age. We recognize that there are young people in the 18–20 category who are employed under Federal programs which provide assistance to program sponsors. However, nothing in the regulations would prohibit a service institution from claiming meals served to such workers under administrative costs. In fact, the instructions on allowable program costs will specifically refer to this possibility.

(b) It was suggested that the definition of service institution be reworded to allow residential camps operating in other than summer months to participate. Under the authorizing legislation, only those service institutions which operate a program during May through September are eligible to operate under the continuous school calendar provision. Final regulations have expanded the definition of service institution to make clear that any service institution, including a residential camp, which operates during May through September may also participate under the continuous school calendar provision provided that it serves children who are on school vacation.

(2) *Eligibility Standards:* Several respondents suggested allowing residential summer camps to use area data instead of enrollment data if they so chose. Therefore, final regulations were changed accordingly.

(3) *Time Limitation on Meals:* Many respondents suggested that the time limits between meals were too long. In order to avoid excessive waste of food and in view of the fact that the law allows for service institutions to serve all meals (breakfast, lunch, supper, supplements), it was the rationale of the Department that a time frame of four hours between meals and three hours between meals and supplements was realistic. However, due to the large number of comments on this matter the hours between meal service were changed to three hours between all meals except that four hours must elapse between lunch and supper if no supplements are served.

(4) *Commodity Information:* Many respondents suggested that commodity lists be made available to service institutions early enough so the food can be more effectively utilized in the Program. Final regulations require State agencies to announce the availability of commodities at an early date prior to the development of menu cycles.

(5) *Advance Funding:* It was suggested that wording be included in the regulations to make advance funding mandatory in May and September as well as in June, July, and August. However, our experience has shown that very few service institutions participate in May and September. Therefore, this suggestion was not incorporated in the final regulations.

(6) *30 Days Submission Deadline:* Several respondents expressed concern about the 30 day deadline for submission of applications. The 30 day provision was added to the regulations to ensure that service institutions did not delay submitting applications, thus causing undue hardship on State agencies in their review of all necessary data in order to determine the ability of the service institutions to effectively administer the Program. Final regulations include the provision that applications must be submitted 30 days prior to the anticipated opening of the food service. However, we added a provision that applications received less than 30 days prior to the anticipated opening of the food service may be approved at the option of the State agency, or FNSRO where applicable.

(7) *Start-Up Costs:* Many respondents recommended raising the start-up costs to 4 percent, some even to 10 percent. However, it was felt that one percent was adequate. Should this amount prove to be inadequate, consideration will be given to raising it in the future.

(8) *Service Institution's Audit Requirement:* It was suggested that an audit be required annually of every service institution which participates in the Program, to be paid out of administrative costs. It is felt that to require every service institution regardless of size to be audited annually would be excessive. Small operations would not earn enough reimbursement to support the cost of an audit. Therefore, final regulations require only service institutions which anticipate reimbursement of over $30,000 during the period of their Agreement to be audited.

(9) *Minimizing the Number of Service Institutions in the Same Area:* The proposed regulations contained a requirement that the administering office review available data on the areas to be served, including the number of needy children in relation to the capacity of the service institutions, so as to minimize the number of service institutions approved in the same area. One respondent objected to the wording and felt the requirement should be more carefully spelled out or eliminated from the final regulations. Because of past problems of overlapping food service sites, the Department felt it was reasonable and in the interest of good management to retain the wording. The intention is not to deny food service to children from needy areas but to en-

sure that more than one service institution is not serving the same children.

Dated: August 19, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-24775 Filed 8-23-76;8:45 am]

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 230—NONFOOD ASSISTANCE PROGRAM

On February 10, 1976, there was published in the FEDERAL REGISTER (41 FR 5826) a proposed rulemaking redesignating and amending the regulations governing the Nonfood Assistance Program. The major reason for the proposed rulemaking was the implementation of Public Law 94-105.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. Comments were received from two educational State agencies, five Regional Offices, and seven other State or Federal agencies. Changes were made in the proposed regulations as a result of the comments received, except where the Department has no discretion under the law or where the replies were speculative or too general.

(1) General—Two respondents believe that the proposed regulations are wordy, cumbersome, and restrictive. While the scope of the regulations has increased substantially, most of the increase has resulted from the requirements of Pub. L. 94-105, and Federal Management Circular 74-7 (34 CFR Part 256). The Department does not believe the regulations as written are restrictive and a primary consideration in their development was to place greater dependence on the States for program administration.

(2) 230.2(aa) (proposed 230.2(x))—Definitions—One respondent believes that in the definition for "Reimbursement" eligible School Food Authorities should be referenced because in the programs administered by the respondent, reimbursement is paid to the School Food Authority, not the school. The Department agrees and we reference School Food Authorities in the definition.

(3) 230.2(bb) (proposed(y))—Definitions—One respondent suggests that the definition for school be expanded to list a Job Corps center as an example of an institution eligible to participate in the Program. The definition for school is a uniform definition used in all child nutrition programs and does not purport to list all child care institutions which may be eligible.

(4) 230.5—Multiyear Funding—One respondent believes that the multi-year funding provision permits a State, or FNSRO where applicable, to obligate in advance all or part of the funds for an approved project, with the funds to be disbursed when the project is completed.

The thrust of this provision is to permit the State agency, or FNSRO where applicable, when current fiscal year funds are insufficient, to approve the entire amount justified on the condition that such funds will be paid in increments to the School Food Authority, to the extent that sufficient funds are available, over a period not to exceed three consecutive fiscal years. However, nothing in these regulations prohibits the obligation of funds in a single year and the disbursement of funds, if available, on project completion.

(5) Another respondent interprets this provision to mean that multiyear funding is permissible only if the total number of applications exceed the amount of money available to the State agency or FNSRO for a fiscal year. The intent of the multiyear funding provision is to give the State agency, or FNSRO where applicable, the option to assist School Food Authorities over a period not to exceed three consecutive fiscal years when the amount of funds requested and justified in the application of any School Food Authority exceeds the amount of funds available under § 230.4 of this part.

(6) 230.7(a)—Matching of Funds—One respondent believes that this section as proposed might be interpreted to mean that all payments made by FNS must be matched, including payments to School Food Authorities for schools designated as "especially needy." The legislation does not require any matching from School Food Authorities for schools designated as "especially needy." The Department has changed the language to more clearly reflect the legislation.

(7) 230.9(b)(2)—Requirements for Participation—One respondent suggests that the wording of this section did not clearly demonstrate the need to get the State agency or FNSRO involved in the planning stage of equipment acquisition and systems development. The Department agrees and has changed the language to emphasize the desirability of State agency or FNSRO involvement early in the planning process in order to stress systems compatability over individual equipment and, if nonfood assistance funds are not available, help School Food Authorities consider and make the best use of other alternatives.

Accordingly, the Nonfood Assistance Program regulations are revised and reissued. This regulation supersedes the provisions 7 CFR Part 220 insofar as they pertain to the Nonfood Assistance Program.

Sec.

230.1 General purpose and scope.
230.2 Definitions.
230.3 Administration of the Program.
230.4 Apportionment of funds to States.
230.5 Multiyear funding.
230.6 Method of payment to States.
230.7 Matching of funds.
230.8 Use of funds.
230.9 Requirements for participation.
230.10 Reimbursement payments.
230.11 Claims for reimbursement.
230.12 Special responsibilities.
230.13 Claims against School Food Authorities.
230.14 Management evaluations and audits.
230.15 Procurement standards.
230.16 Property management requirements.
230.17 Prohibitions.
230.18 Other provisions.
230.19 Program information.

AUTHORITY: Secs. 5, 10, Public Law 89-642, 80 Stat. 887, 889 (42 U.S.C. 1774, 1779).

§ 230.1 General purpose and scope.

Section 5 of the Child Nutrition Act of 1966, as amended, authorizes the payment of funds to States to assist them to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than real property, for the storage, preparation, transportation, and serving of food, to enable them to establish, maintain, and expand school food service programs. This part announces the policies and prescribes the regulations necessary to carry out this purpose.

§ 230.2 Definitions.

For the purpose of this part, the term:

(a) "Acquisition cost" means the net invoice price of nonexpendable and expendable personal property acquired by purchase. This property may include attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges such as taxes, duty, protective intransit insurance, freight, or installation may also be included.

(b) "Act" means the Child Nutrition Act of 1966, as amended.

(c) "Breakfast" means a meal served to a school child at the beginning of the child's day at the school, which meets the requirements of the School Breakfast Program (7 CFR Part 220).

(d) "Child" means a person under 21 chronological years of age in schools as defined in § 230.2(bb) (2) and (3) or a student of high school grade or under as determined by the State educational agency in schools as defined in § 230.2 (bb)(1).

(e) "CND" means the Child Nutrition Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

(f) "Delivery costs" means the cost incurred in transporting allowable equipment from point of shipment to the destination specified in the procurement document. It includes all usual costs associated with delivery, but does not include the alteration of buildings to accommodate equipment during the delivery process.

(g) "Department" means the U.S. Department of Agriculture.

(h) "Equipment" means articles and facilities, other than land or buildings, used for the receiving, storage, preparation, transportation, or serving of food.

(i) "Especially needy school" means a school whose School Food Authority does not have access to sufficient resources to meet the matching requirement of this part, and in which at least the majority of students enrolled are eligible for free or reduced price meals.

(j) "Expendable personal property" means all tangible personal property other than nonexpendable personal property.

(k) "Fiscal year" means the period of 12 calendar months beginning July 1, 1975, and ending June 30, 1976; the period of 15 calendar months beginning July 1, 1976, and ending September 30, 1977; and the period of 12 calendar months beginning October 1, 1977, and each October 1 of any calendar year

thereafter and ending September 30 of the following calendar year.

(l) "FMC–74–7" means Federal Management Circular 74–7, the Circular which establishes uniform standards for the administration of grants-in-aid to State and local governments, including school districts (34 CFR Part 256).

(m) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

(n) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the U.S. Department of Agriculture.

(o) "Installation costs" mean the usual costs incurred in uncrating, setting up, and making final connection of equipment to existing utilities in the room in which the equipment is to operate, except those costs that constitute a capital or leasehold improvement of the buildings.

(p) "Lunch" means a meal which meets the lunch pattern for specified age groups of children set forth in § 210.10 of Part 210 of this chapter.

(q) "National School Lunch Program" means the program authorized by the National School Lunch Act, as amended (7 CFR Part 210).

(r) "Needy children" mean children from families meeting the family size income standards for free or reduced price meals established by a State or FNSRO pursuant to Part 245 of this chapter.

(s) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. The State agency may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

(t) "Nonprofit" means exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or in the Commonwealth of Puerto Rico, certified as nonprofit by its Governor.

(u) "OA" means the Office of Audit of the Department.

(v) "OI" means the Office of Investigation of the Department.

(w) "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible, having no physical existence, such as patents, inventions, and copyrights.

(x) "Program" means the Nonfood Assistance Program authorized by section 5 of the Child Nutrition Act of 1966, as amended.

(y) "Real property" means land, land improvements, structures thereon and appurtenances thereto.

(z) "Reimbursement" means financial assistance paid or payable to eligible School Food Authorities for food service equipment. The term "reimbursement" also includes financial assistance made available through advances of Program funds to eligible School Food Authorities.

(aa) "School" means (1) An educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade. (2) With the exception of residential summer camps which participate in the Summer Food Service Program for Children and private foster homes, any distinct part of a public or nonprofit private institution or any public or nonprofit private child care institution, which (i) maintains children in residence, (ii) operates principally for the care of children, and (iii) if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government. The term "child care institution" includes, but is not limited to: Homes for the mentally retarded, the emotionally disturbed, the physically handicapped, unmarried mothers and their infants, group homes, halfway houses, orphanages, temporary shelters for abused children and for runaway children, long-term care facilities for chronically ill children, and juvenile detention centers. (3) With respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico.

(bb) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966, as amended (7CFR Part 220).

(cc) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch or breakfast program therein. The term "School Food Authority" also includes a nonprofit agency or organization to which such governing body has delegated authority to operate the lunch or breakfast program in schools under its jurisdiction, provided the governing body retains the responsibility to comply with Program regulations.

(dd) "School without a food service" means a school in which children do not presently have reasonable access, as determined by the State agency, or FNSRO where applicable, to a meal meeting requirements of the National School Lunch Program or the School Breakfast Program.

(ee) "School without facilities to prepare or receive hot meals" means a school that lacks facilities, or does not have reasonable access, as determined by the State agency, or FNSRO where applicable, to facilities capable of preparing or receiving hot meals meeting requirements of the National School Lunch Program or the School Breakfast Program.

(ff) "Secretary" means the Secretary of Agriculture.

(gg) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(hh) "State agency" means (1) the State educational agency or (2) such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program in schools as defined in § 230.2(bb).

(ii) "State educational agency" means, as the State Legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State department of education.

§ 230.3 Administration of the program.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for administration of the Program.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in schools of any State to which the State agency is not permitted by law to disburse Federal funds paid to it under the Act. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program in such schools.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. The agreement shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

§ 230.4 Apportionment of funds to States.

(a) Of the Federal funds appropriated for nonfood assistance under the Act, 66⅔ percent shall be apportioned among the States during each fiscal year on the basis of the ratio that the number of lunches, meeting the meal requirements set forth in § 210.10 of this chapter and served in each State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned, bears to the total number of such lunches served in all States in such preceding fiscal year.

(b) For the fiscal year ending June 30, 1976, 33⅓ percent of the funds appropriated for nonfood assistance under the Act shall be apportioned among the States on the basis of the ratio of the number of children in each State, enrolled in schools without a food service to the number of children in all States enrolled in schools without a food service.

(c) For each fiscal year after the fiscal year ending June 30, 1976, 33⅓ percent of the funds appropriated for nonfood assistance under the Act shall be apportioned among the States on the basis of the ratio of the number of children in each State, enrolled in schools without a food service and in schools without the

facilities to prepare or receive hot meals, to the number of children in all States enrolled in schools without a food service and in schools without the facilities to prepare or receive hot meals.

(d) If any State agency, or FNSRO where applicable, cannot use all the funds apportioned to it under paragraph (a), (b) or (c) of this section, it shall release such funds to the Department for further apportionment among the remaining States, in the manner and for the purpose of the respective initial apportionment: *Provided, however,* That no further apportionment shall be made if the Department determines that the amount of such funds is too small to make a further apportionment. If funds apportioned under paragraph (b) or (c) of this section remain unused after such further apportionment, they shall immediately be reapportioned under the provisions of paragraph (a) of this section to assist schools with a food service program and with the facilities to prepare or receive hot meals.

(e) A share of the Program funds apportioned to any State in accordance with paragraph (a), (b) or (c) of this section shall be withheld by FMS for schools of that State if the State agency is prohibited by law from administering the Program with respect to such schools. The amount withheld from the funds apportioned under paragraph (a), of this section shall bear the same ratio to such apportioned funds as the number of lunches, meeting the requirements of § 210.10 of Part 210 of this chapter and served in such schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld, bears to the total number of such lunches served in all schools within such State in such preceding fiscal year. The amount withheld under paragraph (b) of this section for fiscal year 1976 shall bear the same ratio to such funds as the number of children, enrolled in such State in such schools without a food service, bears to the total number of children enrolled in all schools without a food service in such State in such fiscal year. For each fiscal year, after the fiscal year ending June 30, 1976, the amount withheld under paragraph (c) of this section shall bear the same ratio to such funds as the number of children, enrolled in such State in such schools without a food service and without the facilities to prepare or receive hot meals, bears to the total number of children enrolled in such State in such fiscal year, in all schools without a food service and without the facilities to prepare or receive hot meals.

§ 230.5 Multiyear funding.

If, in any fiscal year, the amount of funds made available under § 230.4 of this part to any State agency, or FNSRO where applicable, is insufficient to pay the entire amount of funds requested and justified in the application of any School Food Authority, the State agency, or FNSRO where applicable, may approve the entire amount justified on condition that such amount will be paid to the School Food Authority, to the extent that sufficient funds are available therefor, over a period not to exceed three consecutive fiscal years beginning with the fiscal year in which the application was approved.

§ 230.6 Method of payment to States.

Funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (a) Obtain funds needed for reimbursement to institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) submit requests for funds only at such times and in such amounts as will permit prompt payment of claims; (c) use the funds received from such requests without delay for the purpose for which drawn. Notwithstanding the foregoing provisions, if funds are made available by Congress for the operation of the Program under a continuing resolution, Letters of Credit shall reflect only the amount available for the effective period of the resolution.

§ 230.7 Matching of funds.

(a) During any fiscal year, payments made by FNS to each State agency and payments made by FNSRO to School Food Authorities shall be upon the condition that at least one fourth of the costs of the equipment acquired shall be borne from sources within the State: *Provided, however,* That payments used to assist especially needy schools as determined by the State agency, or FNSRO where applicable, shall not be so matched. Payments made by FNS to a State agency may be matched, where matching is required, either by the respective recipient School Food Authorities or from other State or local sources and payments made by FNSRO to a School Food Authority may be matched either by the recipient School Food Authority or from other funds available to such School Food Authorities within the State in which the Program is administered by FNS.

(b) Funds from sources within the State shall include any source of State or local funds other than grants of the Department or any other Federal agency except when enabling legislation otherwise provides for such matching.

(c) It shall be the responsibility of the State agency, or FNSRO were applicable, to determine whether the requirements for financing from sources within the State are being met. In the event it appears that such requirements will not be met, the State agency, or FNSRO where applicable, shall take corrective action to assure compliance.

§ 230.8 Use of funds.

Federal funds made available for the Program shall be used in accordance with the provisions of this part to reimburse the School Food Authorities of schools which draw attendance from areas in which poor economic conditions exist, and which have no equipment or grossly inadequate equipment to conduct a school food service, in connection with the cost of purchase or rental of equipment to establish, maintain, and expand school food service: *Provided, however,* That with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than one percent of the sum of the Federal funds initially apportioned to it for any fiscal year for the Program. Funds apportioned under paragraph (a) of § 230.4 may be used to reimburse School Food Authorities of all eligible schools, funds apportioned under paragraphs (b) and (c) of § 230.4 may be used to reimburse School Food Auhorities of schools without a food service and School Food Authorities of schools without the facilities to prepare or receive hot meals.

§ 230.9 Requirements for participation.

(a) Each State agency, or FNSRO where applicable, shall require the School Food Authority to make written application to the State agency, or FNSRO where applicable, for any school which it desires to participate in the Program. Applications shall include information in sufficient detail to ensure that the school is eligible for assistance under paragraph (b) of this section and to ascertain the amount of financial assistance required.

(b) A school which draws attendance from areas in which poor economic conditions exist and which has no equipment or grossly inadequate equipment to operate a school food service under the National School Lunch Program or the School Breakfast Program shall be selected for participation in the Program on the basis of: (1) The financial ability and the relative need of the School Food Authority for assistance in acquiring adequate equipment, determined on the basis of the information supplied by the School Food Authority and by other School Food Authorities in the applications submitted; and (2) the amount of funds available to the State agency, or FNSRO where applicable. State Agencies, or FNSRO where applicable, have a positive obligation to inform eligible School Food Authorities and to work with them in planning for the acquisition of any equipment needed to operate their school food service effectively and, to the extent that funds are available, to aid the School Food Authorities in procuring such equipment.

(c) The State agency, or FNSRO where applicable, shall require the School Food Authority of each school selected for participation to enter into a written agreement with the State agency, or FNSRO where applicable. The School Food Authority shall agree to participate in the School Breakfast Program or the National School Lunch Program, or both.

§ 230.10 Reimbursement payments.

The amount of the reimbursement payment to any School Food Authority

shall not exceed the acquisition cost of the equipment, including delivery and installation costs. The total amount of the reimbursement payments made to School Food Authorities in each State for food service equipment acquired for schools which are not especially needy shall not exceed three-fourths of the total cost of the equipment, including delivery and installation costs. The total amount of the reimbursement payments made to School Food Authorities in each State for equipment acquired for schools which are especially needy shall not exceed the cost of the equipment including delivery and installation costs.

§ 230.11 Claims for reimbursement.

Each State agency, or FNSRO where applicable, shall require School Food Authorities to submit claims for reimbursement which shall include data in sufficient detail to justify the amounts claimed and to enable the State to provide the information needed for reports and records required under § 230.12.

§ 230.12 Special responsibilities.

(a) Each State agency shall submit information on Program operations on a form provided by FNS and shall maintain current accounting records of Program operations which will adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the submission of the final Financial Status Report, except that (1) if audit findings have not been resolved, the records shall be retained beyond the three year period as long as required for the resolution of the issues raised by the audit; and (2) records for nonexpendable property acquired with Program funds shall be retained for three years after the final disposition of such property.

(b) Each State agency shall report information on the use of Program funds to FNS on a Financial Status Report form provided by FNS. Reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated, at which time the report reflecting the liquidation of all such unpaid obligations should be marked "Final" and submission discontinued for that fiscal year.

(c) Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence on such investigations and actions. FNS or OI shall make investigations at the request of the State agency or where FNS or OI determines investigations are appropriate.

(d) Each State agency shall release to FNS any Federal funds made available to it under the Act which are unobligated at the end of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 days following demand by FNSRO and shall be reflected by a related adjustment in the State agency's Letter of Credit.

(e) Each State agency, or FNSRO where applicable, shall:

(1) Provide consultive, technical, and managerial personnel to administer the Program, monitor performance, and measure progress toward achieving Program goals, as specified in the State Plan of Child Nutrition Operations submitted in accordance with section 11(e)(1) of the National School Lunch Act and § 210.4a of the regulations governing the National School Lunch Program (7 CFR Part 210). In order to meet the minimum criteria for approval, the portion of the State Plan which deals with Program assistance shall include: (i) Objectives, (ii) reasons for the establishment of the objectives, (iii) methods to be used to accomplish the objectives, and (iv) evaluation methods to be used in determining if the objectives are being met.

(2) Visit the participating schools to ensure compliance with this Part and with the Department's nondiscrimination regulations (Part 15 of this title) issued under title VI of the Civil Rights Act of 1964.

(3) Maintain documentation of such assistance on file.

(f) Each State agency shall adequately safeguard all Program assets and assure that they are used for authorized purposes.

(g) Each State agency shall establish a system of accounting under which School Food Authorities shall report the information required in this part to enable the State agency, or FNSRO where applicable, to administer the Program, monitor performance, and measure progress toward Program goals.

(h) Each State agency shall require compliance by School Food Authorities with applicable provisions of this part.

§ 230.13 Claims against School Fund Authorities.

(a) State agencies shall disallow any portion of a claim and recover any payment from Program funds made to a School Food Authority that is not properly payable under this part. State agencies may use their own procedures to disallow claims and recover overpayments already made.

(b) State agencies may refer any action they propose to take under this section to CND, through FNSRO, for determination.

(c) If CND does not concur with a State agency's action in paying a claim, or in failing to collect an overpayment, CND shall assert a claim against the State agency for the amount of such claim or overpayment. In all such cases, the State agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State agency's action was unwarranted, the State agency shall promptly pay, from sources other than Program funds, to FNS the amount of the claim or overpayment.

(d) Amounts recovered by State agencies from School Food Authorities may be utilized, first, to make payments to School Food Authorities for the purpose of the Program during the fiscal year for which the funds were initially available, and, second, to repay any State funds in excess of the matching requirements of 230.7 of this part expended in the reimbursement of claims under the Program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of § 230.12(d).

(e) With respect to School Food Authorities of schools in which the Program is administered by FNSRO, when FNSRO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the School Food Authority of the reasons for such disallowance or demand and the School Food Authority shall have full opportunity to submit evidence or to file reclaims for any amounts disallowed or demanded in the same manner as that afforded to School Food Authorities of schools in which the Program is administered by State agencies.

§ 230.14 Management evaluations and audits.

(a) Each State agency, or FNSRO where applicable, shall provide for audits of the funds and operations of the Program at the State and School Food Authority levels to be made with reasonable frequency, but, beginning in fiscal year 1978, not less frequently than once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Attachment G of Federal Management Circular 74–7 (34 CFR Part 256). Audits may be made by State agency internal auditors, by State Auditors General, by State Controllers, or by other comparable State audit groups, or by Certified Public Accounts or State licensed public accountants.

(b) Each State agency shall develop a plan for the conduct of audits which shall be incorporated into the State Plan of Child Nutrition Operations provided for under § 210.4a of the National School Lunch Program regulations. The plan shall: (1) State the frequency of audits of State agencies and School Food Authorities and delineate the positive action to be taken during fiscal year 1977 to achieve audit frequency of not less than once every two years by the beginning of fiscal year 1978; (2) provide a description of the State organization in adequate detail to demonstrate the independence of the audit organization; and (3) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related

working papers of audits performed by or for State agencies.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) Each State agency shall provide FNS with full opportunity to conduct management evaluations (including visits to schools) of all operations of the State agency under the Program and shall provide OA with full opportunity to conduct audits (including visits to schools) of all operations of the State agency under the Program. Each State agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any School Food Authority.

§ 230.15 Procurement standards.

(a) This section provides standards for use by State agencies in establishing procedures for the procurement of supplies, equipment, and services with Program funds for use in the Program. These standards will be applicable at the School Food Authority level effective October 1, 1977. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. State agencies or School Food Authorities may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurement adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency or School Food Authority of the responsibilities arising under its contracts. The State agency or School Food Authority is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into under the Program. This includes, but is not limited to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The State agency or School Food Authority shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Program funds. The State agency's or School Food Authority's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State laws, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's or School Food Authority's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency or School Food Authority, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency or School Food Authority should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency or School Food Authority shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency or School Food Authority to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency or School Food Authority to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for procurements to be made with Program funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Program. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to subparagraph (4) of this paragraph is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency or School Food Authority, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency or School Food Authority.

(3) Any or all bids may be rejected when it is in the State agency's or School Food Authority's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(4) Procurements may be negotiated by the State agency or School Food Authority if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the State agency, or FNSRO where applicable, for prior approval;

(iii) The aggregate amount involved does not exceed $10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by law, rules, or regulations.

(k) Contracts shall be made by State agencies or School Food Authorities only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies or School Food Authorities for negotiated purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: (1) Justification for the use of negotiation in lieu of advertising, (2) contractor selection, (3) the basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the State agency or School Food Authority to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency or School Food Authority shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne by Program funds.

(o) In awarding contracts the State agency or School Food Authority must comply with the following requirements:

(1) The State agency's or School Food Authority's contract shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and shall provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies or School Food Authorities in excess of $10,000 shall contain suitable provisions for termination by the State agency or School Food Authority including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies or School Food Authorities in excess of $2,500 which involve the employment of mechanics of laborers shall include a provision for compliance with section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Contract Work Hours and Safety Standards Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies or School Food Authorities, the principal purpose of which is to create, develop, or improve products, processes, or methods, or for exploration into fields which directly concern public health, safety, or welfare, or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of $10,000 or less) awarded by State agencies or School Food Authorities shall include a provision to the effect that the State agency or School Food Authority, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to the Program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the State agency or School Food Authority in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies or School Food Authorities shall observe their regular requirements and practices with respect to bonding and insurance.

§ 230.16 Property management requirements.

(a) *General purpose and scope.* This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by a State agency for eligible schools, whose cost was borne in whole or in part with Program funds. This section applies when the State agency is acting in the capacity of a School Food Authority, and when the property is obtained for use in the food service operation in schools participating in any Program authorized under the National School Lunch Act or Child Nutrition Act. The School Food Authorities of schools which are private and nonprofit shall follow the requirements of paragraph (b)(4) of this section. Other School Food Authorities shall follow applicable procedures contained herein beginning October 1, 1977. State agencies and School Food Authorities may follow their own property management policies and procedures provided they observe the requirements of this section.

(b) *Nonexpendable personal property.* The following requirements shall be observed in the acquisition, use, and disposition of nonexpendable personal property:

(1) *Title.* When nonexpendable personal property is acquired by a State agency or by a School Food Authority, in whole or in part with Program funds, title shall be vested in the State agency or School Food Authority, as applicable.

(2) *Use.* The State agency or School Food Authority shall retain such property in the Program as long as there is a need for such property to accomplish the purpose of the Program.

(3) *Disposition—Public school property.* When there is no longer a need for such property to accomplish the purpose of the program for which it was acquired, the State agency or School Food Authority shall use the property in connection with any Federal program it administers. Priority shall be given to Federal programs administered by the Department over the programs administered by other Federal agencies. Approval from the Department or State agency, as applicable, must be obtained by the State agency or the School Food Authority prior to using equipment acquired with Program funds for programs of other Federal agencies. When the State agency or School Food Authority no longer has need for such property in any of its federally assisted programs, the property may be used for the State agency's or School Food Authority's own official activities. In such situations, the State agency or School Food Authority may use the property without reimbursement to the Department or State agency, as applicable, or sell the property and retain the proceeds if the property had an acquisition cost of less than $500 per unit and has been used 4 years or more. In the case of other property, the State agency or School Food Authority may retain the property for its own use, *Provided,* That a fair compensation is made to the Department or State agency, as applicable, for the Federal share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the property to the current fair market value of the property. If the State agency or School Food Authority has no need for the property, disposition shall be made as follows:

(i) Except for property having an acquisition cost of less than $500 per unit which has been used for 4 years or more, the State agency or School Food Authority shall sell property having an acquisition cost of $1,000 or less per unit and reimburse the Department or State agency, as applicable, in accordance with subdivision (ii) of this paragraph.

(ii) If the property had an acquisition cost of over $1,000 per unit, the State agency or School Food Authority shall request disposition instructions from the Department or State agency, as applicable. If the Department or State agency, as applicable, has no need for the property, the availability of the property shall be reported to the General Services Administration by the Department to determine whether a requirement for the proprety exists in other Federal programs. The Department or State agency, as applicable, will issue instructions to the State agency or School Food Authority within 120 days following the receipt of the request. If the State agency or School Food Authority is instructed to ship the property elsewhere, the State agency or School Food Authority shall be reimbursed by the Department or State agency, as applicable, with an amount which is computed by applying the percentage of the State agency's or School Food Authority's participation in the cost of the property to the current fair market value of the property, plus any shipping or interim storage costs incurred. If the State agency or School Food Authority is instructed to otherwise dispose of the property, the State agency or School Food Authority will be reim-

bursed by the Department or State agency, as applicable, for the costs incurred in the disposition. If disposition instructions are not issued within 120 days after reporting, the State agency or School Food Authority shall sell the property and reimburse the Department or State agency, as applicable, an amount which is computed by applying the percentage of Federal participation in the cost of the property to the sales proceeds. Further, the State agency or School Food Authority may be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the State agency's or School Food Authority's selling and handling expenses.

(iii) When the Department or State agency, as applicable, determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Program funds is unique, or difficult or costly to replace, the Department or State agency, as applicable, may reserve the right to require the State agency or School Food Authority to transfer title to the property to the Department or State agency, as applicable, or to a third party subject to the following provisions:

(A) The right to require the transfer of title may be reserved only by means of an express special condition in the grant or contract, or, if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(B) The property shall be appropriately identified in the award document or otherwise made known to the State agency, or FNSRO where applicable.

(C) The Department or State agency, as applicable, shall not exercise this right until the State agency or School Food Authority no longer needs the property in the program for which it was acquired. That need will be deemed to end on the date of completion or termination of such program unless the State agency or School Food Authority continues to conduct a school food service after that date and demonstrates to the Department or State agency, as applicable, a continued need for the property in its school food service.

(D) The Department or State agency, as applicable, shall issue disposition instructions within 120 days after the completion of the need for the property. If instructions are not issued within such 120-day period, the Department's or State agency's right shall lapse, and the State agency or School Food Authority shall apply the applicable standards contained in paragraphs (b)(3)(i) and (b)(3)(ii) of this section.

(E) The State agency or School Food Authority shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Department's or State agency's disposition instructions.

(4) *Disposition—Private school property.* When there is no longer a need for personal property to accomplish the purpose of the program for which it was acquired, a School Food Authority of a private and nonprofit school shall transfer it with the approval of the State agency or FNSRO, where applicable, to another School Food Authority of a private and nonprofit school participating in any program authorized by the Child Nutrition Act of 1966, as amended, or the National School Lunch Act, or to any other school participating in any of the programs authorized by such Acts. Failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States. Such reversion shall be effected in accordance with instructions from the State agency, or FNSRO where applicable.

(5) *Property management standards.* State agency or School Food Authority property management standards for nonexpendable personal property shall also include the following procedural requirements:

(i) Property records shall be maintained accurately and shall provide for: (A) A description of the property; (B) manufacturer's serial number or other identification number; (C) acquisition date and cost; (D) source of the property; (E) percentage of Program funds used in the purchase of the property; (F) location, use, and condition of the property; and (G) ultimate disposition data including sales price or the method used to determine current fair market value if the State agency or School Food Authority reimburses the Department or State agency, as applicable, for its share.

(ii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(iii) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or the theft of the property. Any loss, damage, or the theft of nonexpendable property shall be investigated and fully documented. The State agency or School Food Authority shall be responsible for replacing or repairing (with funds of such State agency or School Food Authority) property which is lost, damaged, or stolen due to the negligence of the State agency or School Food Authority.

(iv) Adequate maintenance procedures, recommended by the manufacturer, shall be implemented to keep the property in good condition.

(v) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Expendable personal property.* The State agency or School Food Authority may at its option either retain or sell items of expendable personal property, not acquired for private and nonprofit school use, when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Expendable personal property acquired for private and nonprofit schools shall be disposed of in accordance with the provisions of paragraph (b)(4) of this section. For expendable personal property acquired for public schools, compensation to the Department or State agency, as applicable, is required if the aggregate fair market value of all of those items acquired under the grant or contract exceeds $500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sales proceeds of items sold.

(d) *Intangible personal property*—(1) *Patents and inventions.* If any Program activity produces patents, patent rights, processes or inventions in the course of work aided by the Department, such fact shall be promptly and fully reported to the Department or State agency, as applicable. Unless there is prior agreement between the State agency and the Department on disposition of such items, the Department shall determine whether protection of such invention or discovery will be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971), and "Statement of Government Patent Policy" (36 FR 16889).

(2) *Copyrights.* When a Program activity results in a book or other copyrightable material, the author or State agency or School Food Authority is free to copyright the work, but the Department reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use the work for government purposes.

(e) *Publications.* Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgement: The activity which is the subject of this report was supported in whole or in part by the U.S. Department of Agriculture, Food and Nutrition Service. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Agriculture, and no official endorsement by the U.S. Department of Agriculture should be inferred.

§ 230.17 Prohibitions.

(a) In carrying out the provisions of this part, neither the Department nor the State shall impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, and materials of instruction in any school as a condition for participation in the Program.

(b) The value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

§ 230.18 Other provisions.

(a) *General.* Grant closeout procedures for the Program shall be in accordance with Attachment L of Federal Management Circular 74–7 of (34 CFR Part 256).

(b) *Termination for cause.* FNS may terminate a State agency's or School Food Authority's participation in the Program, in whole or in part, whenever it is determined that the State agency or School Food Authority has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency or School Food Authority in writing of the termination and the reasons for the termination, together with the effective date. When the Program has been terminated for cause, any payments made to the State agency or School Food Authority or any recoveries by FNS from the State agency shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS or the State agency may terminate a State agency's or School Food Authority's participation in the Program, in whole or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency or School Food Authority shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency or School Food Authority for the Federal share of noncancellable obligations properly incurred by the State agency or School Food Authority prior to termination.

(d) *State requirements.* Nothing contained in this part shall prevent the State agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 230.19 Program information.

School Food Authorities desiring information concerning the Program should write to their State agency or to the appropriate Food and Nutrition Service Regional Office, as indicated below:

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Massachusetts 01803.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street, NW., Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–C–30, Dallas, Texas 75242.

(f) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.554 National Archives Reference Services.)

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This part shall become effective on August 24, 1976.

Dated: August 20, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-24933 Filed 8-23-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

• Purpose. The purpose of this document is to publish commuted traveltime established for agricultural inspection service. •

This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 10, 1976 (41 FR 5804), and May 18, 1976 (41 FR 20389), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

The table in § 354.2 is amended as follows:

§ 354.2 [Amended]

Deleted the following entries:

Commuted traveltime allowances

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
• • • • •			
Alabama:			
Mobile		1	
Delaware:			
Undesignated ports	Dover		3
Louisiana:			
Baton Rouge	Baton Rouge	1	
Burnside	do		2
Convent	do		2
Port Allen	do	1	
Pennsylvania:			
Greater Pittsburgh International Airport.	Meadville		4
Do	Pittsburgh	2	
• • • • •			

Add the following entries:

Commuted traveltime allowances

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
• • • • •			
Alabama:			
Mobile	Mobile	2	
Delaware:			
Claymont	Dover		3
Delaware City	do		3
Greater Wilmington Airport.	do		3
Wilmington	do		3
Indiana:			
Mt. Vernon	Huntingburg		4
Louisiana:			
Baton Rouge (including Port Allen).	Baton Rouge	2	
Burnside	do		3
Convent	do		3
St. Gabriel	do		2
Uncle Sam	do		3
Undesignated ports	do		4
Maryland:			
Cambridge	Dover, Md		4
Salisbury	do		3
Montana:			
Great Falls International Airport.	Great Falls	1	
Pennsylvania:			
Greater Pittsburgh International Airport.	Meadville		5
Do	Pittsburgh	3	
Tennessee:			
Memphis	Batesville, Miss.		2
• • • • •			

(64 Stat. 561; (7 U.S.C. 2260).)

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and

unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: The foregoing amendment shall become effective August 24, 1976.

Done at Washington, D.C., this 17th day of August, 1976.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.76-24677 Filed 8-23-76;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENT

[Amendment 3]

PART 728—WHEAT

Wheat Program for Crop Years 1975–1977

The following changes, effective for 1976–1977, are being made in the regulations governing the Wheat Program for Crop Years 1975–1977.

1. The wheat marketing year is changed to June 1–May 31.

2. Form 580 is obsolete for 1976 and subsequent years. When necessary, acreage will be reported on Form 578 and reports of production and disposition will be obtained on Form 575–1 and on Form 658. Prevented planting will be reported on Form 574–1 instead of on Form 574.

3. Established yields may be adjusted to reflect a temporary change in the current year yield when there is a change in the number of acres irrigated within the disaster allotment.

4. Wheat acreage designated for nongrain use in accordance with instructions issued by the Deputy Administrator will be disregarded for low yield payment purposes.

5. The production charged to wheat acreage for which production cannot be determined may be equal to or less than the established yield.

6. Disaster payments shall not duplicate returns guaranteed by an agreement with a seed company for the production of seed.

Pursuant to section 107 of the Agriculture Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, and section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, 7 CFR Part 728 is amended as follows:

1. Section 728.2 is amended by adding paragraph (j) as follows:

§ 728.2 Definitions.

* * * * *

(j) "Wheat Marketing Year" means the period beginning June 1 and ending May 31.

2. Section 728.9 is amended by revising the last sentence of paragraph (b) and paragraph (c) to read as follows:

§ 728.9 Farm yields.

* * * * *

(b) * * * The operator or other affected producer shall report current year wheat acreage by filing a Report of Acreage and Field Determination (herein called "Form 578") if the foregoing provisions are to apply to any program year for which the five-year period includes the current year.

(c) *Yield adjustment.* For the purpose of determining eligibility for and amount of low yield payment as provided in § 728.17(b), the yield established under paragraphs (a) and (b) of this section for the farm shall be adjusted in accordance with instructions issued by the Deputy Administrator to reflect (1) any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices, or (2) the extent of irrigation within the disaster allotment.

§ 728.10 [Amended]

3. Section 728.10 is amended by changing "July 1" to read "June 1" in paragraph (a)(1).

4. Section 728.13 is amended by revising paragraph (b)(1) to read as follows:

§ 728.13 Requirements for program participation.

* * * * *

(b) *Farm requirements.* (1) For disaster payments, a Form 578 and an Application for Disaster Credit (herein called "Form 574") or a Claim for Prevented Planting (herein called "Form 574–1") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file (i) a Record of Acreages, Production and Disposition (herein called "Form 658") and (ii) a Summary of Production (herein called "Form 575–1") when the information thereon is needed for program administration. These forms shall be filed within the period authorized and according to instructions issued by the Deputy Administrator.

§ 728.16 [Amended]

5. Section 728.16 is corrected by changing "terminated" to read "determined" in paragraph (a).

6. Section 728.17 is amended by changing "nonfeed" to "nongrain" in paragraph (b)(1)(i) and by amending paragraphs (b)(4) and (b)(5) and adding paragraph (b)(7) to read as follows:

§ 728.17 Disaster payments.

* * * * *

(b) * * *

(4) The wheat production from acreage not harvested for grain shall be appraised and added to the actual grain production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any wheat acreage for which the production cannot be determined and which is not excluded in paragraph (b)(2) of this section shall be charged with the established yield: *Provided,* That if the county committee determines the acreage was affected by a disaster and the production was destroyed or used for other than grain before Form 574 was filed, the production charged shall be based on the larger of (i) the established yield multiplied by the factor determined according to paragraph (b)(3) of this section to determine eligibility for payment or (ii) the actual average yield from harvested acreage if requested by the producer in accordance with instructions issued by the Deputy Administrator.

(6) * * *

(7) Notwithstanding any other provisions of this section, disaster payments shall not duplicate returns guaranteed by contract, agreement, or understanding with a seed company for the production of seed.

(Sec. 107, 87 Stat. 224 (7 U.S.C. 1445a(c)); Sec. 301, 89 Stat. 302 (7 U.S.C. 1301(b)).)

Since these regulations apply to 1976 and planting has occurred, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Effective date: These regulations shall become effective August 23, 1976.

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

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-24779;Filed 8-23-76;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amendment 2]

PART 775—FEED GRAIN

Feed Grain Program for Crop Years 1975–1977

The following changes, effective for 1976–1977, are being made in the regulations governing the Feed Grain Program for Crop Years 1975–1977.

1. The barley marketing year is changed to June 1–May 31.

2. Established yields may be adjusted to reflect a temporary change in the current year yield when there is a change in the number of acres irrigated within the disaster allotment.

3. Form 580 is obsolete for 1976 and subsequent years. When necessary, acreage will be reported on Form 578 and production and disposition will be reported on Form 575–1 and on Form 658. Prevented planting will be reported on Form 574–1 intead of on Form 574.

4. Barley acreage designated for nongrain use in accordance with instructions issued by the Deputy Administrator will be disregarded for low yield payment purposes.

5. The production charged to feed grain acreage for which the production cannot be determined may be equal to or less than the established yield.

6. Disaster payments shall not duplicate returns guaranteed by an agreement

with a seed company for the production of seed.

Pursuant to section 105 of the Agriculture Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, as amended, 7 C.F.R. Part 775 is amended as follows:

1. Section 775.2 is amended by adding paragraph (p) to read as follows:

§ 775.2 Definitions.

* * * * *

(p) "Marketing Year" means:

(1) For barley, the period beginning June 1 and ending May 31.

(2) For corn and grain sorghum, the period beginning October 1 and ending September 30.

2. Section 775.9 is amended by revising paragraph (b) to read as follows:

§ 775.9 Farm yields.

* * * * *

(b) *Yield adjustment.* For the purpose of determining eligibility for and amount of low yield payment as provided in § 775.17(b), the yield established under paragraph (a) of this section for the farm shall be adjusted in accordance with instructions issued by the Deputy Administrator to reflect (1) any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices, or (2) the extent of irrigation within the disaster allotment.

§ 775.10 [Amended]

3. Section 775.10 is amended by changing the July 1 date for barley to June 1 in the second sentence of paragraph (a)(2).

4. Section 775.13 is amended by revising paragraph (b)(1) to read as follows:

§ 775.13 Requirements for program participation.

* * * * *

(b) *Farm requirements.* (1) For disaster payments, a Report of Acreage and Field Determinations (herein called "Form 578") and an application for Disaster Credit (herein called "Form 574") or a Claim for Prevented Planting (herein called "Form 574–1") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file (i) a Record of Acreages, Production and Disposition (herein called "Form 658") and (ii) a Summary of Production (herein called "Form 575–1") when the information thereon is needed for program administration. These forms shall be filed within the period authorized and according to instructions issued by the Deputy Administrator.

5. Section 775.17 is amended by changing "nonfeed" to "nongrain" in paragraph (b)(1)(i) and by amending paragraphs (b)(4) and (b)(5) and adding paragraph (b)(7) to read as follows:

§ 775.17 Disaster payments.

* * * * *

(b) * * *

(4) The feed grain production from acreage not harvested for grain shall be appraised and added to the actual grain production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any feed grain acreage for which the production cannot be determined and which is not excluded in subparagraph (b)(2) of this section shall be charged with the established yield: *Provided,* That if the county committee determines the acreage was affected by a disaster and the production was destroyed or used for other than grain before Form 574 was filed, the production charged shall be based on the larger of (i) the established yield multiplied by the factor determined according to subparagraph (b)(3) of this section to determine eligibility for payment or (ii) the actual average yield from harvested acreage if requested by the producer in accordance with instructions issued by the Deputy Administrator.

(6) * * *

(7) Notwithstanding any other provisions of this section, disaster payments shall not duplicate returns guaranteed by contract, agreement, or understanding with a seed company for the production of seed.

(Sec. 105, 87 Stat. 230 (7 U.S.C. 1441 note).)

Since these regulations apply to 1976 and planting has occurred, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Effective Date: These regulations shall become effective August 23, 1976.

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

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-24778 Filed 8-23-76;8:45 am]

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

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $1,000 of the Administrative Committee, under Marketing Order No. 919, for the 1975–76 fiscal period and fixes the rate of assessment of $0.01332 per cwt. of peaches handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 28, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 31390) regarding proposed expenses and the related rate of assessment for the period December 1, 1975, through November 30, 1976, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colorado. This notice allowed interested persons 19 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.215 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1975, through November 30, 1976, will amount to $1,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at $0.01332 per cwt. of peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of peaches have already begun, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on December 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated: August 18, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-24729 Filed 8-23-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1976 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Barley Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop barley and operating provisions to carry out the 1976 crop barley loan and purchase program was pub-

lished in the Federal Register (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop barley on a national average will be increased to $1.02 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, published at 35 FR 11166 and 11902, and any amendments to such regulations are further supplemented for the 1976 crop barley. CFR § 1421.72 through § 1421.75 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of barley. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Barley Loan and Purchase Program

Sec.
1421.72 Purpose.
1421.73 Availability.
1421.74 Maturity of loans.
1421.75 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1970, as amended (15 U.S.C. 714b and c); Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).

§ 1421.72 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1976 and Subsequent Crops, the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1976 crop of barley.

§ 1421.73 Availability.

(a) Loans. A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible barley on or before March 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible 1976 crop barley not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1978, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1976 crop barley they will sell to CCC.

§ 1421.74 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.75 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic county rates (marketing area in the case of Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

ALABAMA

County	Rate per bushel
All counties	$0.99

ALASKA [1]

Delta	$1.54	Kenai-Sold	1.66
Fairbanks	1.53	Palmer	1.72
Glenallen	1.63	Talkeetna	1.72
Homer	1.59		

ARIZONA

All counties	$1.19

ARKANSAS

All counties	0.99

CALIFORNIA

Alameda	$1.37	Plumas	1.20
Alpine	1.20	Riverside	1.32
Amador	1.33	Sacramento	1.37
Butts	1.28	San Benito	1.29
Calaveras	1.33	San Bernardino	1.33
Colusa	1.32	San Diego	1.37
Contra Costa	1.34	San Francisco	1.37
El Dorado	1.32	San Joaquin	1.37
Fresno	1.31	San Luis Obispo	1.29
Glenn	1.29	San Mateo	1.34
Humboldt	1.17	Santa Barbara	1.28
Imperial	1.31	Santa Clara	1.33
Inyo	1.19	Santa Cruz	1.30
Kern	1.32	Shasta	1.17
Kings	1.30	Sierra	1.19
Lake	1.27	Siskiyou	1.15
Lassen	1.17	Solano	1.34
Los Angeles	1.37	Sonoma	1.32
Madera	1.33	Stanislaus	1.35
Marin	1.34	Sutter	1.31
Mariposa	1.31	Tehama	1.28
Mendocino	1.21	Tulare	1.29
Merced	1.33	Tuolumne	1.31
Modoc	1.15	Ventura	1.32
Monterey	1.29	Yolo	1.34
Napa	1.32	Yuba	1.31
Orange	1.37		
Placer	1.30		

COLORADO

All counties	$1.05

CONNECTICUT

All counties	$0.99

DELAWARE

All counties	$0.99

FLORIDA

All counties	$1.00

GEORGIA

All counties	$1.00

[1] In Alaska, loan rates are for marketing areas.

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.06	Gem	$1.06
Adams	1.06	Gooding	1.06
Bannock	1.06	Idaho	1.10
Bear Lake	1.03	Jefferson	1.02
Benewah	1.13	Jerome	1.06
Bingham	1.05	Kootenai	1.13
Blaine	1.06	Latah	1.13
Boise	1.06	Lemhi	1.02
Bonner	1.09	Lewis	1.12
Bonneville	1.03	Lincoln	1.06
Boundary	1.08	Madison	1.03
Butte	1.05	Minidoka	1.07
Camas	1.06	Nez Perce	1.13
Canyon	1.06	Oneida	1.06
Caribou	1.03	Owyhee	1.06
Cassia	1.05	Payette	1.06
Clark	1.02	Power	1.06
Clearwater	1.12	Shoshone	1.01
Custer	1.06	Teton	1.03
Elmore	1.06	Twin Falls	1.07
Franklin	1.07	Valley	1.06
Fremont	1.03	Washington	1.06

ILLINOIS

Alexander	$1.05	Saint Clair	$1.04
Cook	1.00	All other counties	.95
Madison	1.04		

INDIANA

All counties	$0.95

IOWA

Pottawattamie	$1.01	All other counties	$0.97

KANSAS

Wyandotte	$1.02	All other counties	$0.98

KENTUCKY

All counties	$0.96

LOUISIANA

E. Baton Rouge	$1.17	W. Baton Rouge	$1.17
Jefferson	1.17	All other counties	1.00
Orleans	1.17		
Saint Charles	1.17		

MAINE

All counties	$0.99

MARYLAND

Baltimore City	$1.17	All other counties	$0.99

MASSACHUSETTS

All counties	$0.99

MICHIGAN

All counties	$0.91

MINNESOTA

Aitkin	$1.05	Goodhue	$1.08
Anoka	1.08	Grant	.98
Becker	.96	Hennepin	1.09
Beltrami	.98	Houston	1.04
Benton	1.05	Hubbard	.98
Big Stone	1.00	Isanti	1.07
Blue Earth	1.08	Itasca	1.04
Brown	1.06	Jackson	1.05
Carlton	1.09	Kanabec	1.00
Carver	1.09	Kandiyohi	1.05
Cass	1.01	Kittson	.—
Chippewa	1.05	Koochiching	1.02
Chisago	1.08	Lac Qui Parle	1.04
Clay	.95	Lake of the Woods	.97
Clearwater	.95	Le Sueur	1.09
Cottonwood	1.05	Lincoln	1.01
Crow Wing	1.01	Lyon	1.04
Dakota	1.09	McLeod	1.08
Dodge	1.08	Mahnomen	.94
Douglas	1.00	Marshall	.93
Faribault	1.07	Martin	1.07
Fillmore	1.05	Meeker	1.06
Freeborn	1.08		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Mille Lacs	$1.06	Saint Louis	$1.09
Morrison	1.03	Scott	1.09
Mower	1.07	Sherburne	1.08
Murray	1.04	Sibley	1.08
Nicollet	1.08	Stearns	1.05
Nobles	1.04	Steele	1.09
Norman	.95	Stevens	1.00
Olmsted	1.08	Swift	1.04
Otter Tail	.97	Todd	$1.00
Pennington	.94	Traverse	.98
Pine	1.09	Wabasha	1.08
Pipestone	1.01	Wadena	.99
Polk	.94	Waseca	1.09
Pope	1.03	Washington	1.09
Ramsey	1.09	Watonwan	1.07
Red Lake	.94	Wilkin	.97
Redwood	1.06	Winona	1.06
Renville	1.05	Wright	1.09
Rice	1.09	Yellow Medicine	1.03
Rock	1.00		
Roseau	.92		

MISSISSIPPI

All counties	$0.99

MISSOURI

Buchanan	1.01	Saint Louis	1.03
Clay	1.01	All other counties	.99
Jackson	1.01		

MONTANA

Beaverhead	$0.95	McCone	$0.85
Big Horn	.91	Madison	1.01
Blaine	.86	Meagher	.95
Broadwater	.98	Mineral	1.03
Carbon	.91	Missoula	1.03
Carter	.83	Musselshell	.90
Cascade	.94	Park	.99
Chouteau	.90	Petroleum	.88
Custer	.85	Phillips	.83
Daniels	.82	Pondera	.92
Dawson	.85	Powder River	.85
Deer Lodge	1.01	Powell	1.01
Fallon	.83	Prairie	.85
Fergus	.92	Ravalli	.99
Flathead	1.06	Richland	.82
Gallatin	1.01	Roosevelt	.82
Garfield	.86	Rosebud	.86
Glacier	.93	Sanders	1.03
Golden Valley	.91	Sheridan	.81
Granite	.99	Silver Bow	1.01
Hill	.89	Stillwater	.91
Jefferson	1.01	Sweet Grass	.94
Judith Basin	.91	Teton	.92
Lake	.99	Toole	.92
Lewis and Clark	.92	Treasure	.86
Liberty	.91	Valley	.83
Lincoln	1.06	Wheatland	.92
		Wibaux	.83
		Yellowstone	.91

NEBRASKA

Douglas	$1.02	All other counties	$0.94

NEVADA

All counties	$1.19

NEW HAMPSHIRE

All counties	$0.99

NEW JERSEY

All counties	$0.99

NEW MEXICO

All counties	$1.09

NEW YORK

Albany	$1.17	All other counties	$0.99
New York City	1.17		

NORTH CAROLINA

All counties	$1.00

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.84	McLean	$0.85
Barnes	.92	Mercer	.84
Benson	.87	Morton	.84
Billings	.82	Mountrail	.82
Bottineau	.83	Nelson	.89
Bowman	.82	Oliver	.85
Burke	.82	Pembina	.89
Burleigh	.87	Pierce	.86
Cass	.95	Ramsey	.88
Cavalier	.87	Ransom	.92
Dickey	.91	Renville	.82
Divide	.82	Richland	.95
Dunn	.82	Rolette	.84
Eddy	.88	Sargent	.95
Emmons	.84	Sheridan	.86
Foster	.89	Sioux	.84
Golden Valley	.82	Slope	.82
Grand Forks	.92	Stark	.82
Grant	.82	Steele	.92
Griggs	.91	Stutsman	.92
Hettinger	.82	Towner	.85
Kidder	.87	Traill	.92
La Moure	.90	Walsh	.90
Logan	.87	Ward	.83
McHenry	.85	Wells	.88
McIntosh	.88	Williams	.82
McKenzie	.81		

OHIO

All counties	$0.93

OKLAHOMA

All counties	$1.00

OREGON

Baker	$1.11	Lake	$1.07
Benton	1.16	Lane	1.15
Clackamas	1.20	Lincoln	1.15
Clatsop	1.26	Linn	1.17
Columbia	1.26	Malheur	1.05
Coos	1.07	Marion	1.18
Crook	1.15	Morrow	1.19
Curry	1.05	Multnomah	1.26
Deschutes	1.15	Polk	1.18
Douglas	1.09	Sherman	1.21
Gilliam	1.20	Tillamook	1.21
Grant	1.15	Umatilla	1.16
Harney	1.02	Union	1.14
Hood River	1.22	Wallowa	1.11
Jackson	1.08	Wasco	1.22
Jefferson	1.18	Washington	1.22
Josephine	1.08	Wheeler	1.17
Klamath	1.08	Yamhill	1.20

PENNSYLVANIA

Philadelphia	$1.17	All other counties	$0.99

RHODE ISLAND

All counties	$0.99

SOUTH CAROLINA

Charleston	$1.15	All other counties	$1.00

SOUTH DAKOTA

Aurora	$0.92	Davison	$0.92
Beadle	.95	Day	.96
Bennett	.85	Deuel	1.01
Bon Homme	.95	Dewey	.87
Brookings	.99	Douglas	.93
Brown	.94	Edmunds	.92
Brule	.90	Fall River	.80
Buffalo	.92	Faulk	.93
Butte	.79	Grant	1.01
Campbell	.88	Gregory	.92
Charles Mix	.93	Haakon	.85
Clark	.95	Hamlin	.98
Clay	.96	Hand	.92
Codington	.98	Hanson	.92
Corson	.85	Harding	.81
Custer	.84	Hughes	.91

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Hutchinson	$0.93	Pennington	$0.84
Hyde	.92	Perkins	.83
Jackson	.85	Potter	.92
Jerauld	.92	Roberts	.99
Jones	.90	Sanborn	.92
Kingsbury	.98	Shannon	.84
Lake	.97	Spink	.94
Lawrence	.79	Stanley	.90
Lincoln	.96	Sully	.92
Lyman	.90	Todd	.89
McCook	.92	Tripp	.90
McPherson	.92	Turner	.96
Marshall	.95	Union	.97
Meade	.82	Walworth	.89
Mellette	.89	Washabaugh	.85
Miner	.93	Yankton	.96
Minnehaha	.96	Ziebach	.84
Moody	.97		

TENNESSEE

Shelby	$1.05	All other counties	$0.99

TEXAS

Chambers	$1.19	Nueces	$1.19
Galveston	1.19	San Patricio	1.19
Harris	1.19	All other counties	1.03
Jefferson	1.19		

UTAH

All counties	$1.09

VERMONT

All counties	$0.99

VIRGINIA

Chesapeake (Norfolk)	$1.17	All other counties	$0.99

WASHINGTON

Adams	$1.16	Lewis	$1.20
Asotin	1.16	Lincoln	1.15
Benton	1.18	Mason	1.13
Chelan	1.20	Okanogan	1.14
Clallam	1.06	Pacific	1.15
Clark	1.26	Pend Oreille	1.09
Columbia	1.17	Pierce	1.26
Cowlitz	1.26	San Juan	1.14
Douglas	1.15	Skagit	1.14
Ferry	1.11	Skamania	1.21
Franklin	1.17	Snohomish	1.19
Garfield	1.17	Spokane	1.13
Grant	1.16	Stevens	1.10
Grays Harbor	1.15	Thurston	1.20
Island	1.19	Wahkiakum	1.23
Jefferson	1.11	Walla Walla	1.17
King	1.26	Whatcom	1.12
Kitsap	1.19	Whitman	1.15
Kittitas	1.18	Yakima	1.17
Klickitat	1.19		

WEST VIRGINIA

All counties	$0.99

WISCONSIN

Douglas	$1.06	All other counties	$0.96

WYOMING

All counties	$1.03

(b) *Premiums and discounts.* The basic rates shall be adjusted by premiums or discounts as follows (all footnotes at end of paragraph):

	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

NOTE.—Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: August 24, 1976.

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

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

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[CCC Grain Price Support Regs., 1976 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Oats Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop oats and operating provisions to carry out the 1976 crop oats loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop oats on a national average will be increased to $0.60 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments hereto, and the 1970 and Subsequent Crops Oats Loan and Purchase Program Regulations, published at 35 FR 8340 and any amendments to such regulations are further supplemented for the 1976 crop oats. CFR § 1421.270 through § 1421.273 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of oats. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Oats Loan and Purchase Program

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loans.
1421.273 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).

§ 1421.270 Purpose.

This supplement contains additional program provisions which together with the provisions of the General Regulations Governing Price Support for the 1976 and Subsequent Crops, the 1970 and Subsequent Crops Oats Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1976 crop of oats.

§ 1421.271 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible oats on or before March 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible 1976 crop oats not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1976 crop oats they will sell to CCC.

§ 1421.272 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.273 Loan and purchase rates.

(a) *Basic loan and purchase rates.* County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area." Marketing areas in Alaska shall be the areas established under the State small grain incentive program. Farm-stored loans will be made at the basic rate for the county where the grain is stored, adjusted only for the weed control discounts where applicable. The loan and purchase rate for warehouse-stored oats loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.22(c), settlement for oats delivered from other than approved warehouse storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is lolated, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

ALABAMA

	Rate per bushel
All counties	$0.71

ALASKA [1]

Delta	$1.01	Kenai-Soldotna	$1.09
Fairbanks	1.00	Palmer	1.13
Glenallen	1.07	Talkeetna	1.13
Homer	1.04		

ARIZONA

All counties	$0.80

ARKANSAS

All counties	$0.69

CALIFORNIA

All counties	$0.80

COLORADO

All counties	$0.70

CONNECTICUT

All counties	$0.70

DELAWARE

All counties	$0.70

FLORIDA

All counties	$0.74

GEORGIA

All counties	$0.71

IDAHO

All counties	$0.70

ILLINOIS

Adams	$0.63	Cass	$0.63
Alexander	.66	Champaign	.63
Bond	.64	Christian	.63
Boone	.63	Clark	.64
Brown	.63	Clay	.65
Bureau	.63	Clinton	.65
Calhoun	.64	Coles	.63
Carroll	.63	Cook	.65

ILLINOIS

	Rate per bushel		*Rate per bushel*
Crawford	$0.65	Henry	$0.63
Cumberland	.64	Iroquois	.63
De Kalb	.63	Jackson	.66
De Witt	.63	Jasper	.65
Douglas	.63	Jefferson	.66
Du Page	.63	Jersey	.64
Edgar	.63	Jo Daviess	.63
Edwards	.66	Johnson	.66
Effingham	.64	Kane	.63
Fayette	.64	Kankakee	.63
Ford	.63	Kendall	.63
Franklin	.66	Knox	.63
Fulton	.63	Lake	.64
Gallatin	.67	La Salle	.63
Greene	.64	Lawrence	.66
Grundy	.63	Lee	.63
Hamilton	.66	Livingston	.63
Hancock	.63	Logan	.63
Hardin	.67	McDonough	.63
Henderson	.63	McHenry	.63

[1] In Alaska loan rates are for Marketing Areas.

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
McLean	$0.63	Richland	$0.65
Macon	.63	Rock Island	.63
Macoupin	.64	Saint Clair	.66
Madison	.65	Saline	.67
Marion	.65	Sangamon	.63
Marshall	.63	Schuyler	.63
Mason	.63	Scott	.63
Massac	.66	Shelby	.63
Menard	.63	Stark	.63
Mercer	.63	Stephenson	.63
Monroe	.66	Tazewell	.63
Montgomery	.64	Union	.66
Morgan	.63	Vermilion	.63
Moultrie	.63	Wabash	.66
Ogle	.63	Warren	.63
Peoria	.63	Washington	.66
Perry	.66	Wayne	.66
Piatt	.63	White	.66
Pike	.63	Whiteside	.63
Pope	.67	Will	.64
Pulaski	.66	Williamson	.66
Putnam	.63	Winnebago	.63
Randolph	.66	Woodford	.63

INDIANA

Adams	$0.69	Lawrence	$0.70
Allen	.69	Madison	.68
Bartholomew	.69	Marion	.68
Benton	.67	Marshall	.68
Blackford	.68	Martin	.70
Boone	.68	Miami	.68
Brown	.70	Monroe	.70
Carroll	.68	Montgomery	.68
Cass	.68	Morgan	.68
Clark	.70	Newton	.67
Clay	.68	Noble	.68
Clinton	.68	Ohio	.71
Crawford	.70	Orange	.70
Daviess	.70	Owen	.68
Dearborn	.71	Parke	.67
Decatur	.69	Perry	.70
De Kalb	.69	Pike	.70
Delaware	.68	Porter	.68
Dubois	.70	Posey	.70
Elkhart	.69	Pulaski	.68
Fayette	.68	Putnam	.68
Floyd	.70	Randolph	.69
Fountain	.67	Ripley	.71
Franklin	.70	Rush	.68
Fulton	.68	Saint Joseph	.69
Gibson	.70	Scott	.71
Grant	.68	Shelby	.68
Greene	.70	Spencer	.70
Hamilton	.68	Starke	.68
Hancock	.68	Steuben	.69
Harrison	.70	Sullivan	.69
Hendricks	.68	Switzerland	.71
Henry	.68	Tippecanoe	.68
Howard	.68	Tipton	.68
Huntington	.68	Union	.69
Jackson	.70	Vanderburgh	.70
Jasper	.67	Vermillion	.67
Jay	.69	Vigo	.68
Jefferson	.71	Wabash	.68
Jennings	.71	Warren	.67
Johnson	.68	Warrick	.70
Knox	.70	Washington	.70
Kosciusko	.68	Wayne	.69
Lagrange	.69	Wells	.68
Lake	.68	White	.68
La Porte	.69	Whitley	.68

IOWA

Adair	$0.62	Butler	$0.60
Adams	.62	Calhoun	.60
Allamakee	.59	Carroll	.60
Appanoose	.62	Cass	.62
Audubon	.60	Cedar	.62
Benton	.62	Cerro Gordo	.59
Black Hawk	.61	Cherokee	.60
Boone	.60	Chickasaw	.60
Bremer	.60	Clarke	.62
Buchanan	.61	Clay	.59
Buena Vista	.60	Clayton	.60

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$0.62	Mahaska	$0.62
Crawford	.59	Marion	.62
Dallas	.60	Marshall	.60
Davis	.63	Mills	.62
Decatur	.62	Mitchell	.58
Delaware	.61	Monona	.59
Des Moines	.62	Monroe	.62
Dickinson	.58	Montgomery	.62
Dubuque	.61	Muscatine	.62
Emmet	.58	O'Brien	.59
Fayette	.60	Osceola	.57
Floyd	.59	Page	.62
Franklin	.60	Palo Alto	.60
Fremont	.62	Plymouth	.58
Greene	.60	Pocahontas	.60
Grundy	.60	Polk	.60
Guthrie	.60	Pottawattamie	.63
Hamilton	.60	Poweshiek	.60
Hancock	.59	Ringgold	.62
Hardin	.60	Sac	.60
Harrison	.60	Scott	.62
Henry	.62	Shelby	.60
Howard	.59	Sioux	.58
Humboldt	.60	Story	.60
Ida	.59	Tama	.60
Iowa	.62	Taylor	.62
Jackson	.62	Union	.62
Jasper	.60	Van Buren	.62
Jefferson	.62	Wapello	.62
Johnson	.62	Warren	.62
Jones	.62	Washington	.62
Keokuk	.62	Wayne	.62
Kossuth	.58	Webster	.60
Lee	.62	Winnebago	.58
Linn	.62	Winneshiek	.59
Louisa	.62	Woodbury	.58
Lucas	.62	Worth	.58
Lyon	.57	Wright	.60
Madison	.62		

KANSAS

All counties $0.66

KENTUCKY

All counties $0.71

LOUISIANA

All counties $0.71

MAINE

All counties $0.70

MARYLAND

All counties $0.71

MASSACHUSETTS

All counties $0.70

MICHIGAN

Alcona	$0.64	Gratiot	$0.65
Alger	.65	Hillsdale	.67
Allegan	.66	Houghton	.64
Alpena	.64	Huron	.64
Antrim	.65	Ingham	.65
Arenac	.64	Ionia	.65
Baraga	.64	Iosco	.64
Barry	.66	Iron	.64
Bay	.64	Isabella	.65
Benzie	.65	Jackson	.66
Berrien	.67	Kalamazoo	.66
Branch	.67	Kalkaska	.65
Calhoun	.66	Kent	.66
Cass	.67	Keweenaw	.64
Charlevoix	.65	Lake	.66
Cheboygan	.65	Lapeer	.64
Chippewa	.65	Leelanau	.65
Clare	.65	Lenawee	.67
Clinton	.65	Livingston	.65
Crawford	.64	Luce	.65
Delta	.64	Mackinac	.65
Dickinson	.64	Macomb	.65
Eaton	.65	Manistee	.66
Emmet	.65	Marquette	.64
Genesee	.64	Mason	.66
Gladwin	.64	Mecosta	.65
Gogebic	.64	Menominee	.64
Grand Traverse	.65	Midland	.64
		Missaukee	.65

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Monroe	$0.67	Presque Isle	$0.64
Montcalm	.65	Roscommon	.64
Montmorency	.64	Saginaw	.64
Muskegon	.66	Saint Clair	.65
Newaygo	.66	Saint Joseph	.67
Oakland	.65	Sanilac	.64
Oceana	.66	Schoolcraft	.65
Ogemaw	.64	Shiawassee	.64
Ontonagon	.64	Tuscola	.64
Osceola	.65	Van Buren	.66
Oscoda	.64	Washtenaw	.66
Otsego	.65	Wayne	.66
Ottawa	.66	Wexford	.66

MINNESOTA

Aitkin	$0.57	Marshall	$0.51
Anoka	.59	Martin	.56
Becker	.53	Meeker	.57
Beltrami	.53	Mille Lacs	.57
Benton	.57	Morrison	.56
Big Stone	.54	Mower	.57
Blue Earth	.57	Murray	.55
Brown	.56	Nicollet	.57
Carlton	.59	Nobles	.55
Carver	.58	Norman	.51
Cass	.55	Olmstead	.57
Chippewa	.55	Otter Tail	.54
Chisago	.59	Pennington	.51
Clay	.52	Pine	.58
Clearwater	.53	Pipestone	.55
Cook	.59	Polk	.51
Cottonwood	.56	Pope	.55
Crow Wing	.56	Ramsey	.59
Dakota	.58	Red Lake	.51
Dodge	.57	Redwood	.56
Douglas	.55	Renville	.56
Faribault	.57	Rice	.57
Fillmore	.58	Rock	.55
Freeborn	.58	Roseau	.51
Goodhue	.57	Saint Louis	.59
Grant	.54	Scott	.58
Hennepin	.59	Sherburne	.58
Houston	.58	Sibley	.57
Hubbard	.54	Stearns	.56
Isanti	.58	Steele	.57
Itasca	.57	Stevens	.54
Jackson	.56	Swift	.55
Kanabac	.58	Todd	.55
Kandiyohi	.56	Traverse	.53
Kittson	.50	Wabasha	.57
Koochiching	.54	Wadena	.55
Lac Qui Parle	.55	Waseca	.57
Lake	.59	Washington	.59
Lake of the Woods	.52	Watonwan	.56
Le Sueur	.57	Wilkin	.53
Lincoln	.55	Winona	.58
Lyon	.55	Wright	.58
McLeod	.57	Yellow Medicine	.55
Mahnomen	.52		

MISSISSIPPI

All counties $0.71

MISSOURI

All counties $0.67

MONTANA

Beaverhead	$0.66	Glacier	$0.61
Big Horn	.59	Golden Valley	.60
Blaine	.56	Granite	.65
Broadwater	.62	Hill	.57
Carbon	.61	Jefferson	.63
Carter	.55	Judith Basin	.59
Cascade	.61	Lake	.65
Chouteau	.58	Lewis and Clark	.63
Custer	.55	Liberty	.58
Daniels	.53	Lincoln	.66
Dawson	.52	McCone	.53
Deer Lodge	.64	Madison	.64
Fallon	.53	Meagher	.61
Fergus	.58	Mineral	.66
Flathead	.64	Missoula	.65
Gallatin	.63		
Garfield	.55		

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Musselshell	$0.59	Sanders	$0.66
Park	.63	Sheridan	.52
Petroleum	.56	Silver Bow	.64
Phillips	.55	Stillwater	.61
Pondera	.60	Sweet Grass	.62
Powder River	.57	Teton	.60
Powell	.64	Toole	.59
Prairie	.54	Treasure	.58
Pavalli	.65	Valley	.54
Richland	.52	Wheatland	.61
Roosevelt	.52	Wilbaux	.52
Rosebud	.57	Yellowstone	.60

NEBRASKA

Adams	$0.62	Jefferson	$0.63
Antelope	.59	Johnson	.64
Arthur	.60	Kearney	.62
Banner	.60	Keith	.61
Blaine	.59	Keya Paha	.57
Boone	.60	Kimball	.61
Box Butte	.59	Knox	.58
Boyd	.57	Lancaster	.63
Brown	.58	Lincoln	.61
Buffalo	.61	Logan	.60
Burt	.61	Loup	.59
Butler	.62	McPherson	.60
Cass	.63	Madison	.60
Cedar	.59	Merrick	.60
Chase	.63	Morrill	.60
Cherry	.58	Nance	.60
Cheyenne	.61	Nemaha	.64
Clay	.62	Nuckolls	.63
Colfax	.61	Otoe	.63
Cuming	.61	Pawnee	.64
Custer	.60	Perkins	.62
Dakota	.61	Phelps	.62
Dawes	.59	Pierce	.59
Dawson	.61	Platte	.60
Deuel	.61	Polk	.61
Dixon	.60	Red Willow	.63
Dodge	.62	Richardson	.64
Douglas	.63	Rock	.58
Dundy	.64	Saline	.63
Fillmore	.62	Sarpy	.63
Franklin	.63	Saunders	.63
Frontier	.62	Scotts Bluff	.60
Furnas	.63	Seward	.62
Gage	.64	Sheridan	.59
Garden	.60	Sherman	.60
Garfield	.59	Sioux	.59
Gosper	.62	Stanton	.60
Grant	.59	Thayer	.63
Greeley	.60	Thomas	.59
Hall	.61	Thurston	.61
Hamilton	.61	Valley	.60
Harlan	.63	Washington	.62
Hayes	.63	Wayne	.60
Hitchcock	.64	Webster	.63
Holt	.58	Wheeler	.59
Hooker	.59	York	.61
Howard	.60		

NEVADA

All counties $0.80

NEW HAMPSHIRE

All counties $0.70

NEW JERSEY

All counties $0.71

NEW MEXICO

All counties $0.78

NEW YORK

All counties $0.74

NORTH CAROLINA

All counties $0.71

NORTH DAKOTA

Adams	$0.49	Burke	$0.47
Barnes	.50	Burleigh	.48
Benson	.48	Cass	.51
Billings	.47	Cavalier	.49
Bottineau	.46	Dickey	.50
Bowman	.51	Divide	.49

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Dunn	$0.47	Oliver	$0.47
Eddy	.49	Pembina	.50
Emmons	.49	Pierce	.47
Foster	.49	Ramsey	.49
Golden Valley	.49	Ransom	.51
Grank Forks	.50	Renville	.46
Grant	.48	Richland	.52
Griggs	.49	Rolette	.47
Hettinger	.48	Sargent	.51
Kidder	.49	Sheridan	.47
La Moure	.50	Sioux	.48
Logan	.49	Slope	.50
McHenry	.46	Stark	.46
McIntosh	.49	Steele	.50
McKenzie	.49	Stutsman	.50
McLean	.46	Towner	.48
Mercer	.46	Traill	.50
Morton	.47	Walsh	.50
Mountrail	.47	Ward	.46
Nelson	.49	Wells	.48
		Williams	.49

OHIO

Adams	$0.71	Licking	$0.70
Allen	.69	Logan	.70
Ashland	.70	Lorain	.71
Ashtabula	.72	Lucas	.69
Athens	.72	Madison	.70
Augulaize	.69	Mahoning	.72
Belmont	.73	Marion	.70
Brown	.71	Medina	.71
Butler	.69	Meigs	.72
Carroll	.72	Mercer	.67
Champaign	.70	Miami	.69
Clark	.70	Monroe	.73
Clermont	.71	Montgomery	.69
Clinton	.71	Morgan	.72
Columbiana	.72	Morrow	.70
Coshocton	.71	Muskingum	.71
Crawford	.70	Noble	.72
Cuyahoga	.71	Ottawa	.70
Darke	.68	Paulding	.68
Defiance	.68	Perry	.71
Delaware	.70	Pickaway	.70
Erie	.70	Pike	.71
Fairfield	.70	Portage	.71
Fayette	.70	Preble	.68
Franklin	.70	Putnam	.69
Fulton	.69	Richland	.70
Gallia	.72	Ross	.71
Geauga	.71	Sandusky	.70
Greene	.70	Scioto	.71
Guernsey	.72	Seneca	.70
Hamilton	.70	Shelby	.69
Hancock	.69	Stark	.71
Hardin	.69	Summit	.71
Harrison	.72	Trumbull	.72
Henry	.69	Tuscarawas	.71
Highland	.71	Union	.70
Hocking	.71	Van Wert	.68
Holmes	.71	Vinton	.71
Huron	.70	Warren	.70
Jackson	.71	Washington	.73
Jefferson	.73	Wayne	.71
Knox	.70	Williams	.69
Lake	.71	Wood	.69
Lawrence	.71	Wyandot	.70

OKLAHOMA

All counties $0.71

OREGON

All counties $0.76

PENNSYLVANIA

All counties $0.74

RHODE ISLAND

All counties $0.70

SOUTH CAROLINA

All counties $0.71

SOUTH DAKOTA

Aurora	$0.53	Bon Homme	$0.56
Beadle	.53	Brookings	.54
Bennett	.54	Brown	.51

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Brule	$0.53	Kingsbury	$0.53
Buffalo	.53	Lake	.53
Butte	.52	Lawrence	.52
Campbell	.50	Lincoln	.56
Charles Mix	.54	Lyman	.53
Clark	.52	McCook	.54
Clay	.58	McPherson	.50
Codington	.53	Marshall	.51
Corson	.50	Meade	.52
Custer	.55	Mellette	.54
Davison	.53	Miner	.53
Day	.52	Minnehaha	.55
Deuel	.54	Moody	.54
Dewey	.52	Pennington	.53
Douglas	.54	Perkins	.50
Hanson	.53	Potter	.52
Edmunds	.51	Roberts	.52
Fall River	.55	Sanborn	.53
Faulk	.52	Shannon	.55
Grant	.54	Spink	.52
Gregory	.54	Stanley	.53
Haakon	.53	Sully	.53
Hamlin	.53	Todd	.54
Hand	.53	Tripp	.54
Hughes	.53	Turner	.56
Hutchinson	.55	Union	.58
Hyde	.53	Walworth	.52
Jackson	.53	Washabaugh	.54
Jerauld	.53	Yankton	.57
Jones	.53	Ziebach	.52

TENNESSEE

All counties $0.71

TEXAS

All counties $0.76

UTAH

All counties $0.78

VERMONT

All counties $0.70

VIRGINIA

All counties $0.71

WASHINGTON

All counties $0.72

WEST VIRGINIA

All counties $0.73

WISCONSIN

Adams	$0.62	Langlade	$0.62
Ashland	.62	Lincoln	.62
Barron	.60	Manitowoc	.61
Bayfield	.61	Marathon	.62
Brown	.61	Marinette	.63
Buffalo	.59	Marquette	.62
Burnett	.59	Menominee	.62
Calumet	.61	Milwaukee	.64
Chippewa	.61	Monroe	.61
Clark	.61	Oconto	.62
Columbia	.61	Oneida	.63
Crawford	.62	Outagamie	.61
Dane	.63	Ozaukee	.63
Dodge	.62	Pepin	.59
Door	.61	Pierce	.59
Douglas	.60	Polk	.59
Douglas	.59	Portage	.62
Eau Claire	.60	Price	.62
Florence	.63	Racine	.64
Fond du Lac	.61	Richland	.61
Forest	.63	Rock	.63
Grant	.62	Rusk	.61
Green	.63	Saint Croix	.59
Green Lake	.62	Sauk	.63
Iowa	.63	Sawyer	.61
Iron	.63	Shawano	.62
Jackson	.61	Sheboygan	.62
Jefferson	.63	Taylor	.62
Juneau	.62	Trempealeau	.60
Kenosha	.64	Vernon	.60
Kewaunee	.61	Vilas	.63
LaCrosse	.60	Walworth	.63
Lafayette	.63	Washburn	.60

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Washington	$0.63	Waushara	$0.62
Waukesha	.64	Winnebago	.61
Waupaca	.62	Wood	.62

WYOMING

All counties	$0.68

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
Premiums: [1]	
Grade U.S. No. 1	2
Grade U.S. No. 2	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better	3
Grade U.S. No. 4 because of being "badly stained or materially weathered"	7
Garlicky	3
Weed control discount (where required by § 1421.25)	10

[1] Premiums shall not be applicable to "badly stained or materially weathered" oats.

(c) *Other factors.* Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Effective date: August 24, 1976.

Signed at Washington, D.C., on: August 17, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-24790 Filed 8-23-76;8:45 am]

[CCC Grain Price Support Reg., 1976 Crop Rye Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Rye Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop rye and operating provisions to carry out the 1976 crop rye loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop rye on a national average will be increased to $1 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Rye Loan and Purchase Program Regulations, published at 35 FR 10355 and any amendments to such regulations are further supplemented for the 1976 crop rye. CFR § 1421.350 through § 1421.353 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of rye. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Rye Loan and Purchase Program

Sec.
1421.350 Purpose.
1421.351 Availability.
1421.352 Maturity of loans.
1421.353 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c) Secs. 105, 401, 63, Stat. 1051, as amended (7 U.S.C. 1441 note and 1421).

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the general regulations governing price support for the 1976 and subsequent crops, the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases with respect to the 1976 crop of rye.

§ 1421.351 Availability.

(a) Loans. A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible rye on or before March 31, 1977.

(b) *Purchase.* Producers desiring to offer eligible 1976 crop rye not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1976 crop rye they will sell to CCC.

§ 1421.352 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.353 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic county rates per bushel for loan and settlement purposes for rye are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

County	Rate per bushel
All counties	$1.11

ARIZONA

All counties	$1.08

ARKANSAS

All counties	$1.05

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.25	San Joaquin	$1.25
Los Angeles	1.25	All other counties	1.12
Sacramento	1.25		
San Diego	1.25		
San Francisco	1.25		

COLORADO

All counties	$0.94

CONNECTICUT

All counties	$1.09

DELAWARE

All counties	$1.14

FLORIDA

All counties	$1.18

GEORGIA

All counties	$1.18

IDAHO

All counties	$1.03

ILLINOIS

Cook	$1.12	All other counties	$1.06
St. Clair	1.12		

INDIANA

All counties	$1.04

IOWA

Pottawattamie	$1.03	All other counties	$0.99
Woodbury	1.03		

KANSAS

Wyandotte	$1.03	All other counties	$0.93

KENTUCKY

All counties	$1.11

LOUISIANA

East Baton Rouge	$1.27	West Baton Rouge	$1.27
Jefferson	1.27	All other counties	1.08
Orleans	1.27		
St. Charles	1.27		

MAINE

All counties	$1.09

MARYLAND

Baltimore City	$1.25	All other counties	$1.14

MASSACHUSETTS

All counties	$1.09

MICHIGAN

All counties	$0.96

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Hennepin	$1.04	All other	
St. Louis	1.04	counties	$0.98

MISSISSIPPI

All counties	$1.13

MISSOURI

St. Louis	$1.16	All other counties	$1.03

MONTANA

All counties	$0.84

NEBRASKA

All counties	$0.93

NEVADA

All counties	$0.98

NEW HAMPSHIRE

All counties	$1.09

NEW JERSEY

All counties	$1.11

NEW MEXICO

All counties	$0.98

NEW YORK

Albany	$1.25	All other	
New York City	1.25	counties	$1.09

NORTH CAROLINA

All counties	$1.18

NORTH DAKOTA

All counties	$0.88

OHIO

All counties	$1.04

OKLAHOMA

All counties	$1.01

OREGON

Clatsop	$1.25	All other	
Multonomah	1.25	counties	$1.12

PENNSYLVANIA

Philadelphia	$1.25	All other counties	$1.09

RHODE ISLAND

All counties	$1.09

SOUTH CAROLINA

Charleston	$1.25	All other counties	$1.16

SOUTH DAKOTA

All counties	$0.92

TENNESSEE

Shelby	$1.18	All other counties	$1.13

TEXAS

Galveston	$1.27	San Patricio	$1.27
Harris	1.27	All other	
Jefferson	1.27	counties	1.06
Nueces	1.27		

UTAH

All counties	$0.93

VERMONT

All counties	$1.09

VIRGINIA

Chesapeake (Norfolk)	$1.25	All other counties	$1.14

WASHINGTON

Clark	$1.25	Pierce	$1.25
Cowlitz	1.25	All other	
King	1.25	counties	1.12

WEST VIRGINIA

All counties	$1.11

WISCONSIN

Milwaukee	$1.13
All other counties	1.04

WYOMING

All counties	$.93

(b) *Premiums and discounts.* The basic rates shall be adjusted by premiums or discounts as follows:

	Cents per bushel
(1) *Class premiums and discounts:*	
(i) Premiums:	
Rye Grading U.S. No. 1	1
Rye Grading U.S. No. 3 on account of being "thin"	--
(ii) Discounts: "Thin" rye (percent):	
15.1 to 17.0	1
17.1 to 19.0	2
19.1 to 21.0	3
21.1 to 23.0	4
23.1 to 25.0	5
Weed control discount (where required by § 1421.25)	10

(c) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye such as (but not limited to) moisture, weevily, stones, musty, sour, ergoty, and heating. Such discounts will be established approximately one month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately one month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: August 24, 1976.

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

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-24791 Filed 8-23-76;8:45 am]

[CCC Grain Price Support Regs., 1976 Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Wheat Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop wheat and operating provisions to carry out the 1976 crop wheat loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop wheat on a national average will be increased to $1.50 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Wheat Loan and Purchase Program Regulations, published at 35 FR 8204 and 9106, and any amendments to such regulations are further supplemented for the 1976 crop wheat. CFR § 1421.485 through § 1421.488 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of wheat. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Wheat Loan and Purchase Program

Sec.
1421.485 Availability.
1421.486 Maturity of loans.
1421.487 Ineligible classes.
1421.488 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); Secs. 107, 401, 63 Stat. 1051, as amended (7 U.S.C. 1445a, 1421).

§ 1421.485 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible wheat on or before March 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible 1976 crop wheat not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1976 crop wheat they will sell to CCC.

§ 1421.486 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.487 Ineligible classes.

The class, Red Durum Wheat, shall not be eligible for loan or purchase.

§ 1421.488 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic rates per bushel for loan and settlement purposes for wheat

are established for wheat grading U.S. No. 1 and are as follows:

County	Rate per Bushel
ALABAMA	
Mobile	$1.67
All other counties	1.48
ARIZONA	
All counties	$1.53
All counties	$1.49

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.69	Riverside	$1.61
Alpine	1.51	Sacramento	1.69
Amador	1.64	San Benito	1.62
Butte	1.58	San Bernardino	1.70
Calaveras	1.64	San Diego	1.69
Colusa	1.63	San Francisco	1.69
Contra Costa	1.64	San Joaquin	1.69
El Dorado	1.63	San Luis Obispo	1.58
Fresno	1.59	San Mateo	1.69
Glenn	1.57	Santa Barbara	1.59
Humboldt	1.46	Santa Clara	1.63
Imperial	1.61	Santa Cruz	1.64
Inyo	1.57	Shasta	1.47
Kern	1.64	Sierra	1.48
Kings	1.61	Siskiyou	1.46
Lake	1.57	Solano	1.64
Lassen	1.46	Sonoma	1.61
Los Angeles	1.69	Stanislaus	1.66
Madera	1.62	Sutter	1.63
Marin	1.62	Tehama	1.53
Mariposa	1.62	Tulare	1.61
Mendocino	1.51	Tuolomne	1.62
Merced	1.65	Ventura	1.66
Modoc	1.46	Yolo	1.64
Monterey	1.59	Yuba	1.63
Napa	1.63		
Orange	1.69		
Placer	1.63		
Plumas	1.46		

COLORADO

Adams	$1.35	La Plata	$1.26
Alamosa	1.32	Larimer	1.35
Arapahoe	1.35	Las Animas	1.38
Archuleta	1.29	Lincoln	1.35
Baca	1.38	Logan	1.35
Bent	1.35	Mesa	1.26
Boulder	1.34	Moffat	1.32
Chaffee	1.32	Montezuma	1.26
Cheyenne	1.36	Montrose	1.26
Conehos	1.32	Morgan	1.35
Costilla	1.32	Otero	1.35
Crowley	1.35	Ouray	1.26
Custer	1.34	Phillips	1.35
Delta	1.26	Pitkin	1.26
Denver	1.35	Prowers	1.37
Dolores	1.26	Pueblo	1.35
Douglas	1.35	Rio Blanco	1.29
Eagle	1.29	Rio Grande	1.32
Elbert	1.35	Routt	1.32
El Paso	1.35	Saguache	1.32
Fremont	1.34	San Miguel	1.26
Garfield	1.29	Sedgwick	1.35
Grand	1.32	Summit	1.29
Huerfano	1.36	Teller	1.34
Jackson	1.32	Washington	1.35
Jefferson	1.34	Weld	1.35
Kiowa	1.36	Yuma	1.36
Kit Carson	1.36		

CONNECTICUT

All counties	$1.50

DELAWARE

All counties	$1.53

FLORIDA

All counties	$1.47

GEORGIA

All counties	$1.47

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.45	Gem	$1.45
Adams	1.45	Gooding	1.45
Bannock	1.43	Idaho	1.53
Bear Lake	1.41	Jefferson	1.40
Benewah	1.56	Jerome	1.45
Bingham	1.41	Kootenai	1.54
Blaine	1.41	Latah	1.56
Boise	1.45	Lemhi	1.40
Bonner	1.48	Lewis	1.53
Bonneville	1.40	Lincoln	1.44
Boundary	1.46	Madison	1.40
Butte	1.40	Minidoka	1.44
Camas	1.42	Nez Perce	1.56
Canyon	1.45	Oneida	1.44
Caribou	1.42	Owyhee	1.44
Cassia	1.44	Payette	1.45
Clark	1.38	Power	1.44
Clearwater	1.54	Shoshone	1.54
Custer	1.40	Teton	1.39
Elmore	1.44	Twin Falls	1.45
Franklin	1.44	Valley	1.44
Fremont	1.39	Washington	1.45

ILLINOIS

Adams	1.51	Lee	$1.58
Alexander	1.54	Livingston	1.58
Bond	1.57	Logan	1.53
Boone	1.59	McDonough	1.53
Brown	1.51	McHenry	1.59
Bureau	1.57	McLean	1.55
Calhoun	1.58	Macon	1.53
Carroll	1.56	Macoupin	1.57
Cass	1.53	Madison	1.58
Champaign	1.57	Marion	1.57
Christian	1.55	Marshall	1.56
Clark	1.53	Mason	1.51
Clay	1.53	Massac	1.53
Clinton	1.57	Menard	1.51
Coles	1.53	Mercer	1.55
Cook	1.59	Monroe	1.58
Crawford	1.52	Montgomery	1.57
Cumberland	1.53	Morgan	1.55
De Kalb	1.59	Moultrie	1.54
DeWitt	1.53	Ogle	1.57
Douglas	1.54	Peoria	1.55
DuPage	1.59	Perry	1.57
Edgar	1.55	Piatt	1.53
Edwards	1.53	Pike	1.52
Effingham	1.55	Pope	1.51
Fayette	1.56	Pulaski	1.54
Ford	1.57	Putnam	1.56
Franklin	1.57	Randolph	1.58
Fulton	1.55	Richland	1.52
Gallatin	1.50	Rock Island	1.56
Greene	1.57	Saint Clair	1.58
Grundy	1.59	Saline	1.51
Hamilton	1.51	Sangamon	1.55
Hancock	1.51	Schuyler	1.51
Hardin	1.50	Scott	1.53
Henderson	1.53	Shelby	1.55
Henry	1.56	Stark	1.55
Iroquois	1.59	Stephenson	1.58
Jackson	1.56	Tazewell	1.53
Jasper	1.52	Union	1.54
Jefferson	1.57	Vermilion	1.58
Jersey	1.58	Wabash	1.52
Jo Daviess	1.56	Warren	1.55
Johnson	1.54	Washington	1.57
Kane	1.59	Wayne	1.53
Kankakee	1.59	White	1.50
Kendall	1.59	Whiteside	1.57
Knox	1.55	Will	1.59
Lake	1.59	Williamson	1.55
LaSalle	1.59	Winnebago	1.58
Lawrence	1.52	Woodford	1.55

INDIANA

Adams	$1.52	Boone	$1.51
Allen	1.52	Brown	1.52
Bartholomew	1.52	Carroll	1.55
Benton	1.57	Cass	1.55
Blackford	1.52	Clark	1.57

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Clay	$1.53	Miami	$1.51
Clinton	1.51	Monroe	1.52
Crawford	1.57	Montgomery	1.53
Daviess	1.53	Morgan	1.51
Dearborn	1.52	Newton	1.58
Decatur	1.52	Noble	1.52
De Kalb	1.52	Ohio	1.52
Delaware	1.52	Orange	1.55
Dubois	1.54	Owen	1.52
Elkhart	1.54	Parke	1.55
Fayette	1.52	Perry	1.53
Floyd	1.57	Pike	1.53
Fountain	1.55	Porter	1.59
Franklin	1.52	Posey	1.50
Fulton	1.55	Pulaski	1.58
Gibson	1.52	Putnam	1.51
Grant	1.51	Randolph	1.52
Greene	1.53	Ripley	1.52
Hamilton	1.52	Rush	1.52
Hancock	1.52	Saint Joseph	1.57
Harrison	1.57	Scott	1.55
Hendricks	1.51	Shelby	1.52
Henry	1.52	Spencer	1.53
Howard	1.51	Starke	1.58
Huntington	1.51	Steuben	1.52
Jackson	1.53	Sullivan	1.53
Jasper	1.58	Switzerland	1.53
Jay	1.52	Tippecanoe	1.54
Jefferson	1.55	Tipton	1.51
Jennings	1.53	Union	1.52
Johnson	1.51	Vanderburgh	1.52
Knox	1.52	Vermillion	1.55
Kosciusko	1.55	Vigo	1.54
Lagrange	1.51	Wabash	1.51
Lake	1.59	Warren	1.57
La Porte	1.59	Warrick	1.53
Lawrence	1.53	Washington	1.55
Madison	1.52	Wayne	1.52
Marion	1.52	Wells	1.52
Marshall	1.55	White	1.57
Martin	1.53	Whitley	1.51

IOWA

Pottawattamie	$1.59	All other counties	$1.47

KANSAS

Allen	$1.54	Greeley	$1.35
Anderson	1.57	Greenwood	1.50
Atchison	1.59	Hamilton	1.37
Barber	1.43	Harper	1.45
Barton	1.43	Harvey	1.46
Bourbon	1.55	Haskell	1.38
Brown	1.57	Hodgeman	1.42
Butler	1.47	Jackson	1.56
Chase	1.50	Jefferson	1.58
Chautauqua	1.50	Jewell	1.47
Cherokee	1.52	Johnson	1.59
Cheyenne	1.36	Kearny	1.37
Clark	1.40	Kingman	1.46
Clay	1.48	Kiowa	1.43
Cloud	1.48	Labette	1.52
Coffey	1.55	Lane	1.41
Comanche	1.41	Leavenworth	1.59
Cowley	1.47	Lincoln	1.46
Crawford	1.53	Linn	1.57
Decatur	1.39	Logan	1.37
Dickinson	1.47	Lyon	1.52
Doniphan	1.57	McPherson	1.46
Douglas	1.58	Marion	1.46
Edwards	1.43	Marshall	1.52
Elk	1.50	Meade	1.40
Ellis	1.43	Miami	1.58
Ellsworth	1.46	Mitchell	1.46
Finney	1.38	Montgomery	1.52
Ford	1.41	Morris	1.50
Franklin	1.58	Morton	1.39
Geary	1.50	Nemaha	1.54
Gove	1.41	Neosho	1.53
Graham	1.43	Ness	1.42
Grant	1.37	Norton	1.43
Gray	1.40	Osage	1.58

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Osborne	$1.46	Shawnee	$1.56
Ottawa	1.47	Sheridan	1.40
Pawnee	1.43	Sherman	1.35
Phillips	1.43	Smith	1.46
Pottawatomie	1.54	Stafford	1.43
Pratt	1.43	Stanton	1.37
Rawlins	1.36	Stevens	1.39
Reno	1.46	Sumner	1.46
Republic	1.48	Thomas	1.37
Rice	1.46	Trego	1.43
Riley	1.52	Wabaunsee	1.53
Rooks	1.44	Wallace	1.35
Rush	1.43	Washington	1.50
Russell	1.44	Wichita	1.36
Saline	1.47	Wilson	1.52
Scott	1.37	Woodson	1.53
Sedgwick	1.46	Wyandotte	1.59
Seward	1.39		

KENTUCKY

Jefferson	$1.58	All other counties	$1.50

LOUISIANA

East Baton Rouge	$1.68	West Baton Rouge	$1.68
Jefferson	1.68	All other counties	1.53
Orleans	1.68		
Saint Charles	1.68		

MAINE

All counties	$1.47

MARYLAND

Baltimore City	$1.66	All other counties	$1.53

MASSACHUSETTS

All counties	$1.49

MICHIGAN

Alcona	$1.42	Lake	$1.44
Alger	1.43	Lapeer	1.50
Allegan	1.51	Leelanau	1.41
Alpena	1.39	Lenawee	1.54
Antrim	1.39	Livingston	1.51
Arenac	1.43	Luce	1.43
Baraga	1.43	Mackinac	1.43
Barry	1.50	Macomb	1.53
Bay	1.47	Manistee	1.43
Benzie	1.42	Marquette	1.43
Berrien	1.55	Mason	1.46
Branch	1.52	Mecosta	1.47
Calhoun	1.51	Menominee	1.43
Cass	1.52	Midland	1.47
Charlevoix	1.38	Missaukee	1.42
Cheboygan	1.38	Monroe	1.56
Chippewa	1.43	Montcalm	1.48
Clare	1.45	Montmorency	1.39
Clinton	1.48	Muskegon	1.48
Crawford	1.42	Newaygo	1.46
Delta	1.43	Oakland	1.53
Dickinson	1.43	Oceana	1.46
Eaton	1.50	Ogemaw	1.43
Emmet	1.36	Ontonagon	1.43
Genessee	1.50	Osceola	1.44
Gladwin	1.45	Oscoda	1.42
Gogebic	1.43	Otsego	1.39
Grand Traverse	1.42	Ottawa	1.48
Gratiot	1.48	Presque Isle	1.38
Hillsdale	1.53	Roscommon	1.42
Houghton	1.43	Saginaw	1.50
Huron	1.49	Saint Clair	1.53
Ingham	1.50	Saint Joseph	1.52
Ionia	1.48	Sanilac	1.50
Iosco	1.43	Schoolcraft	1.43
Iron	1.43	Shiawassee	1.50
Isabella	1.47	Tuscola	1.50
Jackson	1.51	Van Buren	1.51
Kalamazoo	1.51	Washtenaw	1.53
Kalkaska	1.42	Wayne	1.53
Kent	1.48	Wexford	1.42
Keweenaw	1.43		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.69	Martin	$1.65
Anoka	1.69	Meeker	1.69
Becker	1.59	Mille Lacs	1.68
Beltrami	1.62	Morrison	1.67
Benton	1.68	Mower	1.67
Big Stone	1.60	Murray	1.62
Blue Earth	1.67	Nicollet	1.69
Brown	1.67	Nobles	1.61
Carlton	1.69	Norman	1.57
Carver	1.69	Olmsted	1.67
Cass	1.65	Otter Tail	1.62
Chippewa	1.63	Pennington	1.58
Chisago	1.69	Pine	1.68
Clay	1.57	Pipestone	1.59
Clearwater	1.61	Polk	1.58
Cottonwood	1.64	Pope	1.65
Crow Wing	1.67	Ramsey	1.69
Dakota	1.69	Red Lake	1.58
Dodge	1.69	Redwood	1.65
Douglas	1.64	Renville	1.67
Faribault	1.66	Rice	1.69
Fillmore	1.65	Rock	1.59
Freeborn	1.65	Roseau	1.54
Goodhue	1.69	Saint Louis	1.69
Grant	1.62	Scott	1.69
Hennepin	1.69	Sherburne	1.69
Houston	1.62	Sibley	1.69
Hubbard	1.62	Stearns	1.67
Isanti	1.69	Steele	1.67
Itasca	1.67	Stevens	1.63
Jackson	1.63	Swift	1.63
Kanabec	1.68	Todd	1.65
Kandiyohi	1.67	Traverse	1.59
Kittson	1.53	Wabasha	1.68
Koochiching	1.63	Wadena	1.63
Lac Qui Parle	1.61	Waseca	1.68
Lake of the Woods	1.57	Washington	1.69
Le Sueur	1.69	Watonwan	1.66
Lincoln	1.59	Wilkin	1.59
Lyon	1.62	Winona	1.66
McLeod	1.69	Wright	1.69
Mahnomen	1.59	Yellow Medicine	1.63
Marshall	1.56		

MISSISSIPPI

Harrison	$1.68	All other counties	$1.49
Jackson	1.68		

MISSOURI

Adair	$1.46	Dent	$1.49
Andrew	1.57	Douglas	1.44
Atchison	1.52	Dunklin	1.51
Audrain	1.51	Franklin	1.57
Barry	1.47	Gasconade	1.54
Barton	1.51	Gentry	1.53
Bates	1.55	Greene	1.47
Benton	1.51	Grundy	1.51
Bollinger	1.51	Harrison	1.53
Boone	1.48	Henry	1.54
Buchanan	1.59	Hickory	1.51
Butler	1.50	Holt	1.55
Caldwell	1.56	Howard	1.48
Callaway	1.50	Howell	1.42
Camden	1.49	Iron	1.51
Cape Girardeau	1.52	Jackson	1.59
Carroll	1.54	Jasper	1.50
Carter	1.48	Jefferson	1.54
Cass	1.56	Johnson	1.55
Cedar	1.50	Knox	1.46
Chariton	1.52	Laclede	1.46
Christian	1.44	Lafayette	1.57
Clark	1.47	Lawrence	1.47
Clay	1.57	Lewis	1.48
Clinton	1.57	Lincoln	1.55
Cole	1.49	Linn	1.52
Cooper	1.48	Livingston	1.53
Crawford	1.51	McDonald	1.47
Dade	1.49	Macon	1.49
Dallas	1.46	Madison	1.51
Daviess	1.54	Maries	1.52
De Kalb	1.56	Marion	1.50
		Mercer	1.50

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Miller	$1.48	Ripley	$1.48
Mississippi	1.53	Saint Charles	1.57
Moniteau	1.46	Saint Clair	1.52
Monroe	1.50	Saint Genevieve	1.52
Montgomery	1.54	Saint Francis	1.52
Morgan	1.49	Saint Louis	1.57
New Madrid	1.53	Saline	1.52
Newton	1.47	Schuyler	1.44
Nodaway	1.55	Scotland	1.44
Oregon	1.46	Scott	1.53
Osage	1.50	Shannon	1.46
Ozark	1.42	Shelby	1.49
Pemiscot	1.57	Stoddard	1.52
Perry	1.51	Stone	1.47
Pettis	1.51	Sullivan	1.49
Phelps	1.49	Taney	1.44
Pike	1.53	Texas	1.45
Platte	1.57	Vernon	1.53
Polk	1.49	Warren	1.56
Pulaski	1.47	Washington	1.52
Putnam	1.48	Wayne	1.50
Ralls	1.50	Webster	1.45
Randolph	1.49	Worth	1.53
Ray	1.57	Wright	1.45
Reynolds	1.49		

MONTANA

Beaverhead	$1.39	McCone	$1.40
Big Horn	1.40	Madison	1.46
Blaine	1.41	Meagher	1.44
Broadwater	1.45	Mineral	1.46
Carbon	1.41	Missoula	1.46
Carter	1.41	Musselshell	1.41
Cascade	1.44	Park	1.45
Chouteau	1.44	Petroleum	1.40
Custer	1.40	Phillips	1.40
Daniels	1.39	Pondera	1.44
Dawson	1.41	Powder River	1.40
Deer Lodge	1.46	Powell	1.46
Fallon	1.42	Prairie	1.41
Fergus	1.43	Ravalli	1.44
Flathead	1.47	Richland	1.41
Gallatin	1.46	Roosevelt	1.40
Garfield	1.39	Rosebud	1.39
Glacier	1.44	Sanders	1.46
Golden Valley	1.43	Sheridan	1.40
Granite	1.46	Silver Bow	1.46
Hill	1.42	Stillwater	1.43
Jefferson	1.46	Sweet Grass	1.44
Judith Basin	1.43	Teton	1.44
Lake	1.46	Toole	1.43
Lewis and Clark	1.44	Treasure	1.40
Liberty	1.43	Valley	1.39
Lincoln	1.47	Wheatland	1.44
		Wibaux	1.42
		Yellowstone	1.41

NEBRASKA

Adams	$1.46	Deuel	$1.35
Antelope	1.54	Dixon	1.55
Arthur	1.37	Dodge	1.58
Banner	1.34	Douglas	1.59
Blaine	1.44	Dundy	1.36
Boone	1.54	Fillmore	1.49
Box Butte	1.34	Franklin	1.44
Boyd	1.51	Frontier	1.39
Brown	1.44	Furnas	1.42
Buffalo	1.47	Gage	1.52
Burt	1.59	Garden	1.35
Butler	1.56	Garfield	1.48
Cass	1.58	Gosper	1.42
Cedar	1.55	Grant	1.37
Chase	1.36	Greeley	1.50
Cherry	1.40	Hall	1.48
Cheyenne	1.34	Hamilton	1.50
Clay	1.47	Harlan	1.43
Colfax	1.56	Hayes	1.38
Cuming	1.58	Hitchcock	1.38
Custer	1.44	Holt	1.51
Dakota	1.58	Hooker	1.38
Dawes	1.34	Howard	1.48
Dawson	1.46	Jefferson	1.51

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Johnson	$1.52	Polk	$1.53
Kearny	1.44	Red Willow	1.39
Keith	1.37	Richardson	1.55
Keya Paha	1.46	Rock	1.47
Kimball	1.34	Saline	1.51
Knox	1.54	Sarpy	1.59
Lancaster	1.55	Saunders	1.58
Lincoln	1.41	Scotts Bluff	1.34
Logan	1.41	Seward	1.54
Loup	1.44	Sheridan	1.35
McPherson	1.40	Sherman	1.47
Madison	1.54	Sioux	1.32
Merrick	1.51	Stanton	1.56
Morrill	1.34	Thayer	1.49
Nance	1.52	Thomas	1.41
Nemaha	1.52	Thurston	1.58
Nuckolls	1.46	Valley	1.47
Otoe	1.55	Washington	1.59
Pawnee	1.54	Wayne	1.55
Perkins	1.36	Webster	1.46
Phelps	1.43	Wheeler	1.50
Pierce	1.54	York	1.51
Platte	1.54		

NEVADA

All counties	$1.45

NEW HAMPSHIRE

All counties	$1.49

NEW JERSEY

All counties	$1.53

NEW MEXICO

All counties	$1.50

NEW YORK

Albany	$1.66	All other counties	$1.51
New York City	1.66		

NORTH CAROLINA

All counties	$1.47

NORTH DAKOTA

Adams	$1.41	McKenzie	$1.39
Barnes	1.54	McLean	1.41
Benson	1.47	Mercer	1.41
Billings	1.40	Morton	1.44
Bottineau	1.41	Mountrail	1.40
Bowman	1.41	Nelson	1.53
Burke	1.39	Oliver	1.42
Burleigh	1.45	Pembina	1.52
Cass	1.56	Pierce	1.44
Cavalier	1.48	Ramsey	1.49
Dickey	1.54	Ransom	1.57
Divide	1.38	Renville	1.41
Dunn	1.41	Richland	1.58
Eddy	1.50	Rolette	1.44
Emmons	1.48	Sargent	1.57
Foster	1.51	Sheridan	1.44
Golden Valley	1.40	Sioux	1.43
Grand Forks	1.55	Slope	1.41
Grant	1.43	Stark	1.41
Griggs	1.54	Steele	1.54
Hettinger	1.41	Stutsman	1.52
Kidder	1.48	Towner	1.45
La Moure	1.52	Traill	1.55
Logan	1.50	Walsh	1.54
McHenry	1.42	Ward	1.40
McIntosh	1.50	Wells	1.48
		Williams	1.39

OHIO

Adams	$1.53	Clinton	$1.53
Allen	1.54	Columbiana	1.58
Ashland	1.57	Coshocton	1.57
Ashtabula	1.59	Crawford	1.53
Athens	1.56	Cuyahoga	1.57
Auglaize	1.53	Darke	1.53
Belmont	1.57	Defiance	1.53
Brown	1.53	Delaware	1.56
Butler	1.53	Erie	1.56
Carroll	1.57	Fairfield	1.56
Champaign	1.53	Fayette	1.53
Clark	1.53	Franklin	1.56
Clermont	1.53	Fulton	1.55

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Gallia	$1.53	Morgan	$1.57
Geauga	1.59	Morrow	1.57
Greene	1.53	Muskingum	1.57
Guernsey	1.57	Noble	1.57
Hamilton	1.53	Ottawa	1.56
Hancock	1.56	Paulding	1.53
Hardin	1.56	Perry	1.56
Harrison	1.57	Pickaway	1.56
Henry	1.55	Pike	1.53
Highland	1.53	Portage	1.57
Hocking	1.56	Preble	1.53
Holmes	1.57	Putnam	1.55
Huron	1.56	Richland	1.57
Jackson	1.53	Ross	1.56
Jefferson	1.57	Sandusky	1.56
Knox	1.57	Scioto	1.53
Lake	1.59	Seneca	1.56
Lawrence	1.53	Shelby	1.53
Licking	1.57	Stark	1.57
Logan	1.53	Summit	1.57
Lorain	1.57	Trumbull	1.59
Lucas	1.56	Tuscarawas	1.57
Madison	1.53	Union	1.56
Mahoning	1.59	Van Wert	1.53
Marion	1.56	Vinton	1.56
Medina	1.57	Warren	1.53
Meigs	1.53	Washington	1.57
Mercer	1.53	Wayne	1.57
Miami	1.53	Williams	1.53
Monroe	1.57	Wood	1.56
Montgomery	1.53	Wyandote	1.56

OKLAHOMA

Adair	$1.51	Le Flore	$1.53
Alfalfa	1.49	Lincoln	1.53
Atoka	1.53	Logan	1.52
Beaver	1.44	Love	1.53
Beckham	1.52	McClain	1.53
Blaine	1.52	McCurtain	1.53
Bryan	1.53	McIntosh	1.53
Caddo	1.53	Major	1.51
Canadian	1.53	Marshall	1.53
Carter	1.53	Mayes	1.51
Cherokee	1.51	Murray	1.53
Choctaw	1.53	Muskogee	1.53
Cimarron	1.43	Noble	1.51
Cleveland	1.53	Nowata	1.51
Coal	1.53	Okfuskee	1.53
Comanche	1.53	Oklahoma	1.53
Cotton	1.53	Okmulgee	1.53
Craig	1.51	Osage	1.51
Creek	1.52	Ottawa	1.51
Custer	1.52	Pawnee	1.51
Delaware	1.51	Payne	1.52
Dewey	1.51	Pittsburg	1.53
Ellis	1.46	Pontotoc	1.53
Garfield	1.51	Pottawatomie	1.53
Garvin	1.53	Pushmataha	1.53
Grady	1.53	Roger Mills	1.50
Grant	1.49	Rogers	1.51
Greer	1.53	Seminole	1.53
Harmon	1.53	Sequoyah	1.53
Harper	1.44	Stephens	1.53
Haskell	1.53	Texas	1.44
Hughes	1.53	Tillman	1.53
Jackson	1.53	Tulsa	1.51
Jefferson	1.53	Wagoner	1.51
Johnston	1.53	Washington	1.51
Kay	1.50	Washita	1.52
Kingfisher	1.52	Woods	1.49
Kiowa	1.53	Woodward	1.49
Latimer	1.53		

OREGON

Baker	$1.56	Gilliam	$1.65
Benton	1.62	Grant	1.60
Clackamas	1.69	Harney	1.46
Clatsop	1.76	Hood River	1.71
Columbia	1.76	Jackson	1.46
Coos	1.42	Jefferson	1.63
Crook	1.60	Josephine	1.46
Curry	1.41	Klamath	1.54
Deschutes	1.60	Lake	1.51
Douglas	1.46	Lane	1.60

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$1.52	Tillamook	$1.69
Linn	1.63	Umatilla	1.62
Malheur	1.46	Union	1.58
Marion	1.67	Wallowa	1.56
Morrow	1.63	Wasco	1.67
Multnomah	1.76	Washington	1.69
Polk	1.65	Wheeler	1.62
Sherman	1.65	Yamhill	1.67

PENNSYLVANIA

Philadelphia	$1.66
All other counties	1.51

RHODE ISLAND

All counties	$1.50

SOUTH CAROLINA

Charleston	$1.66
All other counties	1.47

SOUTH DAKOTA

Aurora	$1.54	Jackson	$1.45
Beadle	1.53	Jerauld	1.54
Bennett	1.41	Jones	1.47
Bon Homme	1.57	Kingsbury	1.54
Brookings	1.57	Lake	1.56
Brown	1.53	Lawrence	1.39
Brule	1.51	Lincoln	1.59
Buffalo	1.51	Lyman	1.48
Butte	1.39	McCook	1.57
Campbell	1.46	McPherson	1.50
Charles Mix	1.53	Marshall	1.57
Clark	1.53	Meade	1.40
Clay	1.59	Mellette	1.46
Codington	1.57	Miner	1.55
Corson	1.43	Minnehaha	1.58
Custer	1.33	Moody	1.58
Davison	1.57	Pennington	1.40
Day	1.57	Perkins	1.40
Deuel	1.60	Potter	1.48
Dewey	1.43	Roberts	1.59
Douglas	1.53	Sanborn	1.54
Edmunds	1.50	Shannon	1.40
Fall River	1.33	Spink	1.53
Faulk	1.52	Stanley	1.47
Grant	1.60	Sully	1.48
Gregory	1.50	Todd	1.45
Haakon	1.46	Tripp	1.48
Hamlin	1.56	Turner	1.58
Hand	1.53	Union	1.59
Hanson	1.54	Walworth	1.48
Harding	1.40	Washabaugh	1.45
Hughes	1.49	Yankton	1.55
Hutchinson	1.56	Ziebach	1.41
Hyde	1.51		

TENNESSEE

Shelby	$1.59
All other counties	1.48

TEXAS

Andrews	$1.51	Chambers	$1.75
Archer	1.56	Cherokee	1.67
Armstrong	1.51	Childress	1.53
Atascosa	1.65	Clay	1.57
Bailey	1.51	Cochran	1.51
Bandera	1.61	Coke	1.52
Bastrop	1.65	Coleman	1.56
Baylor	1.55	Collin	1.60
Bee	1.73	Collingsworth	1.51
Bell	1.65	Comal	1.65
Bexar	1.65	Comanche	1.60
Blanco	1.63	Concho	1.57
Borden	1.51	Cooke	1.58
Bosque	1.62	Coryell	1.64
Bowie	1.58	Cottle	1.51
Brazos	1.70	Crosby	1.51
Briscoe	1.51	Colberson	1.51
Brown	1.59	Dallam	1.48
Burleson	1.70	Dallas	1.62
Burnet	1.63	Dawson	1.51
Caldwell	1.65	Deaf Smith	1.51
Calhoun	1.69	Delta	1.61
Callahan	1.55	Denton	1.60
Carson	1.51	DeWitt	1.67
Castro	1.51		

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Dickens	$1.51	McLennan	$1.64
Dimmit	1.59	Martin	1.51
Donley	1.51	Mason	1.59
Eastland	1.55	Maverick	1.55
Edwards	1.55	Medina	1.61
Ellis	1.62	Menard	1.57
El Paso	1.51	Midland	1.51
Erath	1.60	Milam	1.68
Falls	1.64	Mills	1.60
Fannin	1.58	Mitchell	1.52
Fisher	1.52	Montague	1.57
Floyd	1.51	Moore	1.48
Foard	1.53	Motley	1.51
Frio	1.63	Navarro	1.63
Gaines	1.51	Nolan	1.52
Galveston	1.75	Nueces	1.75
Garza	1.51	Ochiltree	1.48
Gillespie	1.59	Oldham	1.51
Glasscock	1.51	Palo Pinto	1.57
Goliad	1.69	Parker	1.59
Gray	1.51	Parmer	1.51
Grayson	1.58	Pecos	1.51
Grimes	1.70	Potter	1.51
Guadalupe	1.65	Presidio	1.51
Hale	1.51	Randall	1.51
Hall	1.51	Real	1.57
Hamilton	1.62	Reeves	1.51
Hansford	1.48	Refugio	1.72
Hardeman	1.53	Roberts	1.48
Harris	1.75	Robertson	1.67
Hartley	1.48	Rockwall	1.61
Haskell	1.53	Runnels	1.55
Hays	1.65	San Patricio	1.75
Hemphill	1.48	San Saba	1.60
Hill	1.62	Schleicher	1.53
Hockley	1.51	Scurry	1.52
Hood	1.59	Shackelford	1.55
Howard	1.51	Sherman	1.48
Hudspeth	1.51	Somervell	1.59
Hunt	1.61	Stephens	1.56
Hutchinson	1.48	Sterling	1.52
Irion	1.53	Stonewall	1.51
Jack	1.57	Sutton	1.53
Jackson	1.65	Swisher	1.51
Jeff Davis	1.51	Tarrant	1.62
Jefferson	1.71	Taylor	1.53
Johnson	1.61	Terry	1.51
Jones	1.53	Throckmorton	1.55
Karnes	1.69	Tom Green	1.54
Kaufman	1.63	Travis	1.65
Kendall	1.63	Uvalde	1.58
Kent	1.51	Van Zandt	1.63
Kerr	1.59	Victoria	1.69
Kimble	1.57	Waller	1.70
King	1.51	Ward	1.51
Kinney	1.55	Wharton	1.70
Knox	1.53	Wheeler	1.51
Lamar	1.58	Wichita	1.55
Lamb	1.51	Wilbarger	1.55
Lampasas	1.64	Williamson	1.65
Limestone	1.64	Wilson	1.67
Lipscomb	1.48	Wise	1.58
Live Oak	1.71	Yoakum	1.51
Llano	1.61	Young	1.56
Loving	1.51	Zavala	1.59
Lubbock	1.51		
Lynn	1.51		
McCulloch	1.59		

UTAH

All counties	$1.45

VERMONT

All counties	$1.49

VIRGINIA

Chesapeake (Norfolk)	$1.66
All other counties	1.51

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.61	Columbia	$1.62
Asotin	1.58	Cowlitz	1.76
Benton	1.63	Douglas	1.61
Chelan	1.63	Ferry	1.53
Clallam	1.55	Franklin	1.62
Clark	1.76	Garfield	1.62
Grant	$1.61	Pierce	$1.76
Grays Harbor	1.68	San Juan	1.57
Island	1.57	Skagit	1.65
Jefferson	1.57	Skamania	1.71
King	1.76	Snohomish	1.70
Kitsap	1.58	Spokane	1.58
Kittitas	1.65	Stevens	1.53
Klickitat	1.67	Thurston	1.70
Lewis	1.71	Wahkiakum	1.70
Lincoln	1.59	Walla Walla	1.62
Mason	1.65	Whatcom	1.62
Okanogan	1.59	Whitman	1.59
Pacific	1.68	Yakim	1.63
Pend Oreille	1.48		

WEST VIRGINIA

All counties	$1.52

WISCONSIN

Douglas	$1.69	All other counties	$1.47

WYOMING

All counties	$1.36

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts.*	
(i) Premiums:	
Hard Amber Durum (U.S. No. 3 or better)	+5
(ii) Discounts:	
Durum	−5
Mixed Wheat (mixtures of classes other than contrasting classes)	−2
Mixed Wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts.*	
(i) Premium:	
Heavy, U.S. No. 3 or better (Hard Red Spring only)	+2
(ii) Discounts:	
U.S. No. 2	−1
U.S. No. 3	−3
U.S. No. 4	−6
U.S. No. 5	−9
Smut-degree basis:	
Light smutty	−2
Smutty	−6
Garlic-degree basis:	
Light garlicky	−10
Garlicky	−20

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better. Hard Red Winter, Hard Red Spring and Hard White Wheat.

Protein content (percent):	
12.0 to 12.4	+1½
12.5 to 12.9	+3
13.0 to 13.4	+4½
13.5 to 13.9	+6
14.0 to 14.4	+7½
14.5 to 14.9	+9
15.0 to 15.4	+10½
15.5 to 15.9	+12
16.0 to 16.4	+13½
16.5 to 16.9	+15
17.0 to 17.4	+16½
17.5 and above	+18

(4) *Weed control discount (where required by § 1421.26)* 10

(5) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE.—Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date: August 24, 1976.

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

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-24792 Filed 8-23-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-411]

PART 260—INTEREST SUBSIDY GRANTS

Final Regulations for Section 802(c)(2) Program; Correction

On August 16, 1976, at 41 FR 34608, the Department published final regulations with respect to the Section 802 (c) (2) program. The effective date of the regulations was inadvertently set as September 15, 1976. It was and is the intent of this Office to make Part 260 effective upon publication in order that applications for the program may be accepted immediately.

Accordingly, the effective date of Part 260, Interest Subsidy Grants, is corrected to read August 16, 1976.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); § 802(c)(2), Housing and Community Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633, (42 U.S.C. 1440(c)(2)).)

JAMES L. YOUNG,
Assistant Secretary for Housing.

[FR Doc.76-24722 Filed 8-23-76;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 2251]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

• The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.) •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form

of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Oklahoma	Kingfisher	Kingfisher, city of	Dec. 23, 1971, emergency Sept. 30, 1976, regular Oct. 1, 1976, suspended	Apr. 12, 1974	400082
Texas	Galveston	Crystal Beach, town of	Oct. 8, 1971, emergency Sept. 30, 1976, regular Oct. 1, 1976, suspended	Sept. 30, 1976	480243

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

Issued: August 17, 1976.

RICHARD W. KRUMM,
Acting Federal Insurance Administrator.

[FR Doc.76-24530 Filed 8-23-76;8:45 am]

[Docket No. FI 2253]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 F.R. 57210–212 and 41 F.R. 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirements applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Kentucky	Whitley	Corbin, city of	Aug. 16, 1976, emergency	June 14, 1974 Feb. 20, 1976	210227A
Michigan	Washtenaw	Dexter, township of	do	July 18, 1975	260536
Nebraska	Dodge	Snyder, village of	do	June 27, 1975 May 19, 1976	310319A
Vermont	Orleans	Barton, village of	do	Nov. 8, 1974 Apr. 16, 1976	500082A
Iowa	Grundy	Dike, city of	Aug. 17, 1976, emergency	July 25, 1975	190482
Kansas	Saline	Brookville, city of	do	Sept. 19, 1975	200394
New Hampshire	Merrimack	Newbury, town of	do	Jan. 31, 1975	330226
New York	Oneida	Western, town of	do	Aug. 2, 1974	360564
Ohio	Licking	St. Louisville, village of	do		390337
Oklahoma	Le Flore	Bokoshe, town of	do	Sept. 19, 1975	400350
Pennsylvania	Butler	Prospect, borough of	do	Jan. 17, 1977	422356
Do	Indiana	Young, township of	do	Dec. 20, 1974	421726
Washington	Pierce	Wilkeson, town of	do	Aug. 29, 1975	530268
West Virginia	Harrison	Unincorporated areas	Aug. 16, 1976, emergency	July 11, 1975	540053
Arkansas	Crittenden	Gilmore, town of	Aug. 18, 1976, emergency	June 27, 1975	050245
Iowa	Lyon	Inwood, city of	do	Aug. 8, 1975 June 11, 1976	190598A
Do	do	George, city of	do	Aug. 15, 1975	190447
Missouri	Cass	Archie, city of	do	June 7, 1974 Dec. 12, 1975	290061A
Montana	Broadwater	Townsend, city of	do	May 2, 1975	300131
New York	Allegany	Cuba, town of	do	Jan. 24, 1975	361099
Oklahoma	Logan	Langston, town of	do	Sept. 19, 1975	400297
Indiana	Blackford	Hartford City, city of	Aug. 19, 1976, emergency	Nov. 23, 1973 Mar. 5, 1976	180009A
New Jersey	Burlington	Springfield, township of	Aug. 16, 1976, emergency	July 26, 1974 May 28, 1976	340116A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New York	Wyoming	Pike, village of	Aug. 19, 1976, emergency	Aug. 9, 1974 Apr. 30, 1976	361027A
Oklahoma	Grady	Verden, town of	do	Apr. 30, 1976	400248
Do	Cotton	Walters, city of	do		400249
South Carolina	Orangeburg	Holly Hill, town of	do	June 17, 1974 Apr. 23, 1976	450163A
Do	Allendale	Ulmer, town of	do	Aug. 16, 1974 June 11, 1976	450012A
Wisconsin	Columbia	Pardeeville, village of	do	Dec. 28, 1973 Apr. 30, 1976	550062A
Colorado	Eagle	Eagle, town of	Aug. 20, 1976, emergency.	Aug. 15, 1975	080238
Indiana	Pike	Winslow, town of	do	Dec. 17, 1973 Jan. 30, 1976	180200A
Iowa	Sioux	Sioux Center, city of	do	Sept. 26, 1975	190658
New Hampshire	Belknap	Gilford, town of	do	Feb. 21, 1975	330004
New Mexico	Luna	Unincorporated areas	do		[1] 350139
Oklahoma	Grady	Alex, town of	do		400063
Do	Major	Cleo Springs, town of	do	Sept. 12, 1975	400280
West Virginia	Preston	Unincorporated areas	do	July 25, 1975	540160
Wyoming	Crook	Moorcroft, town of	do	Sept. 19, 1975	560077

[1] New.

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

Issued: August 12, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24529 Filed 8-23-76;8:45 am]

[Docket No. FI 2252]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

• The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these area unless the community has entered the program. The prohibition, however, does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidental additions or improvements to be used solely for agricultural purposes on a farm.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER. This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Jefferson	Bessemer, city of	H 010115A 01 through H 010115A 09.	Mayor, 1800 Third Ave., Bessemer, Ala. 35020	June 28, 1974 Aug. 27, 1976
Do	Pike	Brundidge, city of	H 010347 01 through H 010347 02.	Mayor, 104 North Main St., Brundidge, Ala. 36010	Oct. 22, 1976
Do	St. Clair	Pell City, city of	H 010189A 01 through H 010189A 08.	Mayor, 1905 First Ave., North, Pell City, Ala. 35125	June 21, 1974 Aug. 27, 1976
Arkansas	St. Francis	Madison, city of	H 050189A 01	Mayor, City Hall, Madison, Ark. 72359	Mar. 22, 1974 Aug. 27, 1976
California	Los Angeles	Covina, city of	H 065024B 01 through H 065024B 05.	Director Public Works, 125 East College St., Covina, Calif. 97123.	June 28, 1974 Nov. 7, 1975
Do	Orange	Huntington Beach, city of	H 065034A 01 through H 065034A 05.	Director of Public Works, Planning Department, City Hall, Huntington Beach, Calif. 92648.	Aug. 9, 1974 Aug. 27, 1976
Connecticut	Tolland	Columbia, town of	H 090160A 01 through H 090160A 15.	Selectman, Town Hall, Yeomans Hall, Route 87, P.O. Box 165, Columbia, Conn. 06237.	Nov. 8, 1974 Aug. 27, 1976
Do	New Haven	East Haven, town of	H 090076A 01 through H 090076A 05.	Mayor, Town Hall, 250 Main St., East Haven, Conn. 06512.	June 28, 1974 Aug. 27, 1976
Do	New London	Sprague, town of	H 090105A 01 through H 090105A 06.	Selectman, 1 Main St., Box 162, Baltic, Conn. 06330	May 10, 1974 Aug. 27, 1976
Do	Tolland	Vernon, town of	H 090131A 01 through H 090131A 06.	Mayor, Town Hall, 14 Park Pl., P.O. Box 245, Vernon, Conn. 06066.	Jan. 16, 1974 Aug. 27, 1976
Florida	St. Lucie	Fort Pierce, city of	H 120286A 01 through H 120286A 08.	City Manager, P.O. Box 1480, Fort Pierce, Fla. 33450	May 24, 1974 Aug. 27, 1976
Georgia	Cobb	Powder Springs, city of	H 130056A 01 through H 130056A 02.	Mayor, P.O. Box 46, Powder Springs, Ga. 30073	Apr. 12, 1974
Do	Jefferson	Wrens, city of	H 130117A 01 through H 130117A 02.	Mayor, P.O. Box 125, Wrens, Ga. 30833	May 10, 1974 Aug. 27, 1976
Illinois	Mercer	Aledo, city of	H 170507A 01	Mayor, City Hall, Aledo, Ill. 61231	June 14, 1974 Aug. 27, 1976
Do	Du Page	Carol Stream, village of	H 170202A 01 through H 170202A 03.	Village Administrator, 415 North Gary, Carol Stream, Ill. 60187.	Apr. 12, 1974 Aug. 27, 1976
Do	Cook	Golf, village of	H 170098A 01 through H 170098A 02.	Village President, One Briar Rd., Golf, Ill. 60029	Mar. 29, 1974 Aug. 27, 1976
Do	do	Hoffman Estates, village of	H 170107A 01 through H 170107A 08.	Village President, 1200 North Gannon Dr., Hoffman Estates, Ill. 60172.	Sept. 20, 1974 Aug. 27, 1976
Do	Lake	Lake Forest, city of	H 170374B 01 through H 170374B 06.	Mayor, 220 East Deerpath, Lake Forest, Ill. 60045	Feb. 20, 1976 Feb. 1, 1974 Aug. 27, 1976
Do	do	Long Grove, village of	H 170380A 01 through H 170380A 05.	Mayor, Route 2, P.O. Box 286A, Long Grove, Ill. 60047	Apr. 5, 1974 Aug. 27, 1976
Do	Madison	Madison, city of	H 170446A 01 through H 170446A 02.	Mayor, 1529 Third St., Madison, Ill. 62060	Nov. 28, 1973
Do	Vermillion	Potomac, village of	H 170799A 01	Village President, P.O. Box 358, Potomac, Ill. 61865	Mar. 22, 1974 Aug. 27, 1976
Indiana	Steuben	Hamilton, town of	H 180248A 01	President, Town Board, 311 Bellefountain St., Hamilton, Ind. 56742.	Sept. 6, 1974 Aug. 27, 1976
Do	Johnson	Princes Lakes, town of	H 180117A 01 through H 180117A 03.	Chairman, Town Board, R.D. 1, Box 207D, Nineveh, Ind.	May 3, 1974 Aug. 27, 1976
Do	Jay	Salamonia, town of	H 180345A 01	Chairman of Town Board, Salamonia, Ind. 47381	Oct. 22, 1976
Iowa	Hancock	Corwith, town of	H 190407 01	Mayor, Town Hall, Corwith, Iowa 50430	Do.
Do	Clinton	Dewitt, city of	H 190568 01	Mayor, City Hall, Dewitt, Iowa 52742	Do.
Do	Muscatine	Wilton, city of	H 190686 01 through H 190686 04.	Mayor, City Hall, Wilton, Iowa 52778	Do.
Do	Polk	Windsor Heights, city of	H 190687 01	Mayor, City Hall, Windsor Heights, Iowa 50311	Do.
Kentucky	Jefferson	Shively, city of	H 210124A 01 through H 210124A 03.	Mayor, P.O. Box 16007, Shively, Ky. 40216	May 17, 1974 Aug. 27, 1976
Maine	Lincoln	Bristol, town of	H 230215A 01 through H 230215A 18.	Chairman, Planning Board, Town Hall, Bristol, Maine 04558.	Feb. 21, 1975 Aug. 27, 1976
Do	Somerset	Cambridge, town of	H 230355A 01 through H 230355A 08.	First Selectwomen, P.O. Box 4, RFD No. 1, Cambridge, Maine, 04924.	Jan. 17, 1975 Aug. 27, 1976
Do	Aroostook	Caribou, city of	H 230014A 01 through H 230014A 24.	City Manager, 25 High St., Caribou, Maine 04736	Apr. 12, 1974 Aug. 27, 1976
Do	Lincoln	Damariscotta, town of	H 230216A 01 through H 230216A 06.	Chairman, Board of Selectmen, Selectmen's Office, Town Hall, Damariscotta, Maine.	Feb. 14, 1975 Aug. 27, 1976
Do	Hancock	Ellsworth, city of	H 230066A 01 through H 230066A 29.	City Manager, City Hall, Ellsworth, Maine 04605	July 19, 1974 Aug. 27, 1976
Do	Kennebec	Gardiner, city of	H 230068A 01 through H 230068A 07.	City Manager, City Hall, Gardiner, Maine 04345	Feb. 22, 1974 Aug. 27, 1976
Do	Knox	Thomaston, town of	H 230079A 01 through H 230079A 08.	Selectmen, Town Hall, Thomaston, Maine 04861	Sept. 6, 1974 Aug. 27, 1976
Massachusetts	Franklin	Colrain, town of	H 250113A 01 through H 250113A 16.	Selectmen, Town Hall, Colrain, Mass. 01340	July 26, 1974 Aug. 27, 1976
Do	Berkshire	New Marlborough, town of	H 250033A 01 through H 250033A 17.	Selectman, Town Hall, Mill River, New Marlborough, Mass. 01244.	June 28, 1974 Aug. 27, 1976
Do	Bristol	North Attleborough, town of	H 250059A 01 through H 250059A 08.	Selectman, Town Hall, 96 North Washington St., North Attleborough, Mass. 02760.	Mar. 15, 1974 Aug. 27, 1976
Do	Worcester	Southborough, town of	H 250333A 01 through H 250333A 06.	Selectman, Town Hall, Common St., Southborough, Mass. 01772.	Aug. 2, 1974 Aug. 27, 1976
Do	do	Warren, town of	H 250342A 01 through H 250342A 11.	Selectman, Town Hall, Main St., Warren, Mass. 01083	May 17, 1974 Aug. 27, 1976
Michigan	Charlevoix	Boyne Falls, village of	H 260371 01	President, Corner Main and Railroad Sts., Boyne Falls, Mich. 49713.	Oct. 22, 1976
Do	Newaygo	Bridgeton, township of	H 260466 01 through H 260466 12.	Supervisor, 8380—100th St., Rt. 2, Holton, Mich. 49425	Do.
Do	Sanilac	Evergreen, township of	H 260516 01 through H 260516 12.	Supervisor, Snover, Mich. 48472	Do.
Do	Oakland	Farmington Hills, city of	H 260172A 01 through H 260172A 12.	Mayor, 31555 Eleven Mile Rd., Farmington Hills, Mich. 48024.	Mar. 15, 1974 Aug. 27, 1976
Do	Oceana	Greenwood, township of	H 260483 01 through H 260483 12.	Supervisor, 8570 East Arthur Rd., Hesperia, Mich. 49421	Oct. 22, 1976
Do	Oakland	Novi, city of	H 260175A 01 through H 260175A 11.	Mayor, 25850 Novi Rd., Novi, Mich. 48050	June 28, 1974 Aug. 27, 1976
Do	Alger	Rock River, township of	H 260346 01 through H 260346 20.	Supervisor, Township Hall, Box 195, Chatham, Mich. 49816.	Oct. 22, 1976
Minnesota	Stearns	Avon, city of	H 270443A 01	Mayor, P.O. Box 236, Avon, Minn. 56310	Mar. 29, 1974 Aug. 27, 1976
Do	Lac Qui Parle	Bellingham, city of	H 270679A 01	Mayor, City Hall, Bellingham, Minn. 56212	Aug. 23, 1974 Aug. 27, 1976
Do	Dakota	Mendota, city of	H 270109A 01	Mayor, City Hall, Mendota, Minn. 55050	Feb. 8, 1974

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Missouri	Jefferson	Hillsboro, city of	H 290573 01 through H 290573 02.	Mayor, City Hall, Hillsboro, Mo. 63050	Oct. 22, 1976
Do	Ray	Richmond, city of	H 290657 01 through H 290657 02.	Mayor, City Hall, 303 South Thornton, Richmond, Mo. 64085.	Do.
Do	Jackson	Tarsney Lakes, village	H 290509 01	Chairman, Village Hall, P.O. Box AG, Grain Valley, Mo. 64029.	Do.
Mississippi	Marshall	Byhalia, town of	H 280112A 01	Mayor, P.O. Box 303, Byhalia, Miss. 38611	June 7, 1974 Aug. 27, 1976
Do	Bolivar	Cleveland, city of	H 280016A 01 through H 280016A 04.	Mayor, P.O. Box 339, Cleveland, Miss. 38772	May 10, 1974 Aug. 27, 1976
Do	Lee	Tupelo, city of	H 280100A 01 through H 280100A 09.	Mayor, P.O. Box 1485, Tupelo, Miss. 38801	June 14, 1974 Aug. 27, 1976
Do	Warren	Vicksburg, city of	H 280176A 01 through H 280176A 03.	Mayor, P.O. Box 150, Vicksburg, Miss. 39180	Jan. 23, 1974 Aug. 27, 1976
Nebraska	Richardson	Humboldt, city of	H 310183A 01	Mayor, City Hall, Humboldt, Neb. 68376	Mar. 22, 1974 Aug. 27, 1976
New Hampshire	Hillsborough	Antrim, town of	H 330082A 01 through H 330082A 15.	Selectman, Town Hall, Antrim, N.H. 03440	Apr. 12, 1974 Aug. 27, 1976
Do	Coos	Berlin, city of	H 330029A 01 through H 330029A 22.	Community Development Director, City Hall, Berlin, N.H. 03570.	July 19, 1974 Aug. 27, 1976
Do	Merrimack	Bradford, town of	H 330106A 01 through H 330106A 10.	Selectman, Town Hall, Bradford, N.H. 03221	June 28, 1974 Aug. 27, 1976
Do	Carroll	Conway, town of	H 330011A 01 through H 330011A 09.	Selectman, Town Hall, Center Conway, N.H. 03813	Sept. 13, 1974 Aug. 27, 1976
Do	Sullivan	Goshen, town of	H 330157A 01 through H 330157A 08.	Chairman, Board of Selectman, P.O. Box 752, Goshen, N.H. 03752.	Dec. 20, 1974 Aug. 27, 1976
Do	Rockingham	Plaistow, town of	H 330138A 01 through H 330138A 07.	Selectman, Town Hall, Plaistown, N.H. 03865	Oct. 18, 1974 Aug. 27, 1976
Do	Sullivan	Washington, town of	H 330166A 01 through H 330166A 17.	Chairman, Selectmen, Town Hall, Washington, N.H. 03280.	Dec. 27, 1974 Aug. 27, 1976
New Jersey	Warren	Alpha, borough of	H 340576 01 through H 340576 02.	Mayor, 1001 East Blvd., Alpha, N.J. 08865	Oct. 22, 1976
Do	Monmouth	Howell, township of	H 340301A 01 through H 340301A 14.	Mayor, P.O. Box 580, Howell, N.J. 07731	Mar. 22, 1974 Aug. 27, 1976
Do	do	Little Silver, borough of	H 340305A 01 through H 340305A 02.	Mayor, 480 Prospect Ave., Little Silver, N.J. 07739	Aug. 31, 1973 Aug. 27, 1976
Do	Somerset	South Bound Brook, borough of	H 340445 01	Mayor, 12 Main St., South Bound Brook, N.J. 08880	Oct. 22, 1976
Do	Salem	Woodstown, borough of	H 340426A 01	Mayor, Borough Hall, Box 246, West Ave., Woodstown, N.J. 08098.	Do.
New York	Erie	Concord, town of	H 360235A 01 through H 360235A 18.	Town Supervisor, 86 Franklin St., Springville, N.Y. 14141	Aug. 2, 1974 Aug. 27, 1976
Do	Columbia	Copake, town of	H 360174A 01 through H 360174A 03.	Supervisor, Town Hall, Copake, N.Y. 12516	May 24, 1974 Aug. 27, 1976
Do	Livingston	Dansville, village of	H 360383 01	Mayor, 14 Clara Barton St., Dansville N.Y. 14437	Oct. 22, 1976
Do	Schoharie	Esperance, town of	H 361194B 01 through H 361194B 07.	Supervisor, Town Hall, Esperance, N.Y. 12066	Nov. 14, 1975 Oct. 18, 1974 Aug. 27, 1976
Do	Monroe	Greece, town of	H 360417A 01 through H 360417A 21	Supervisor, Greece Memorial Hall, 2505 West Ridge Rd., Rochester, N.Y. 14626.	Jan. 23, 1974 Aug. 27, 1976
Do	Columbia	Kinderhook, town of	H 361321A 01 through H 361321A 09.	Town Supervisor, R.D., Kinderhook, N.Y. 12106	Oct. 22, 1976
Do	Albany	Knox, town of	H 360011 01 through H 360011 11.	Supervisor, Star Route, Altamont, N.Y. 12009	Do.
Do	Niagara	Lockport, city of	H 360503A 01 through H 360503A 95.	Mayor, One Locks Plaza, Lockport, N.Y. 14094	Do.
Do	Niagara	Lockport, town of	H 361013A 01 through H 361013A 04.	Town Supervisor, 6560 Dysinger Rd., Lockport, N.Y. 14094.	Do.
Do	Cattaraugus	Machias, town of	H 360084A 01 through H 360084A 12.	Supervisor, Town Hall, Machias, N.Y. 14101	Oct. 18, 1974 Aug. 27, 1976
Do	Rensselaer	Nassau, village of	H 360675B 01	Mayor, Village Hall, Nassau, N.Y. 12123	Mar. 5, 1976 Mar. 22, 1974 Aug. 27, 1976
Do	Albany	Ravena, village of	H 361346 01	Mayor, P.O. Box 308, Ravena, N.Y. 12143	Oct. 22, 1976
Do	Monroe	Rochester, city of	H 360431A 01 through H 360431A 14.	Mayor, City Hall, 30 West Broad St., Rochester, N.Y. 14614.	June 28, 1974 Aug. 27, 1976
Do	Schoharie	Schoharie, town of	H 361198 01 through H 361198 13.	Town Supervisor, Town Hall, Schoharie, N.Y. 12157	Oct. 22, 1976
Do	Broome	Windsor, town of	H 360059A 01 through H 360059A 22.	Town Supervisor, P.O. Box 114, Windsor, N.Y. 13865	June 28, 1974 Aug. 27, 1976
North Carolina	Cherokee	Andrews, city of	H 370060A 01 through H 370060A 02.	Mayor, P.O. Box 217, Main St., Andrews, N.C. 28901	Mar. 8, 1974
Do	Buncombe	Black Mountain, city of	H 370033A 01 through H 370033A 06.	Mayor, 225 West State St., Black Mountain, N.C. 28711	Do. Aug. 27, 1976
Do	Haywood	Hazelwood, city of	H 370123A 01 through H 370123A 02.	Mayor, P.O. Box 295, 101 Brown Ave., Hazelwood, N.C. 28738.	Mar. 8, 1974 Aug. 27, 1976
Do	Scotland	Laurinburg, city of	H 370222A 01 through H 370222A 06.	Mayor, P.O. Box 786, Laurinburg, N.C. 28352	Jan. 9, 1974 Aug. 27, 1976
Do	Davidson	Lexington, city of	H 370081A 01 through H 370081A 07.	Mayor, Box 649, Lexington, N.C. 27292	June 21, 1974
Do	Mecklenburg	Unincorporated areas	H 370158 01 through H 370158 44.	Chairman, County Commissioners, 700 East Trade, Charlotte, N.C. 28202.	Aug. 27, 1976 Oct. 22, 1976
Do	Graham	Robbinsville, town of	H 370106A 01 through H 370106A 02.	Mayor, P.O. Box 126, Robbinsville, N.C. 28771	June 14, 1974 Aug. 27, 1976
Do	Mitchell	Spruce Pine, town of	H 370163A 01 through H 370163A 06.	Mayor, P.O. Box 189, Highland Ave., Spruce Pine, N.C. 28777.	June 14, 1974 Aug. 27, 1976
Do	Jackson	Sylvan, city of	H 370137A 01 through H 370137A 04.	Mayor, 11 Allen St., Sylvan, N.C. 28779	Mar. 8, 1974 Aug. 27, 1976
Do	Wake	Wake Forest, town of	H 370244A 01	Mayor, Box 352, Wake Forest, N.C. 27587	Mar. 15, 1974 Aug. 27, 1976
Do	Haywood	Waynesville, city of	H 370124A 01 through H 370124A 08.	Mayor, 106 South Main St., Waynesville, N.C. 28786	Mar. 8, 1974 Aug. 27, 1976
Ohio	Preble	Camden, village of	H 390461A 01 through H 390461A 03.	Mayor, P.O. Box 1, Camden, Ohio 45311	May 10, 1974 Aug. 27, 1976
Do	Jefferson	Empire, village of	H 390299A 01	Mayor, Box 118, Empire, Ohio 43926	Mar. 15, 1974 Aug. 27, 1976
Do	Hamilton	Evendale, village of	H 390214A 01 through H 390214A 03	Mayor, 10500 Reading Rd., Cincinnati, Ohio 45241	Mar. 1, 1974 Aug. 27, 1976
Do	Crawford	Galion, city of	H 390092A 01 through H 390092A 04.	Mayor, 301 Hardingway East, Galion, Ohio 44833	Mar. 15, 1974 Aug. 27, 1976
Do	Union	Marysville, city of	H 390548A 01 through H 390548A 02.	Manager, Sixth and Main Sts., Marysville, Ohio 43040	Mar. 22, 1974 Aug. 27, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Ohio	Cuyahoga	Middleburg Heights, city of	H 390117A 01 through H 390117A 03.	Mayor, 15700 Bagley Rd., Middleburg Heights, Ohio 44130.	Jan. 16, 1974 Aug. 27, 1976
Do	Montgomery	Moraine, city of	H 390414A 01 through H 390414A 03.	Mayor, 4200 Dryden Rd., Moraine, Ohio 45439	Mar. 1, 1974 Aug. 27, 1974
Do	Marion	Morral, village of	H 390746A 01	Mayor, 202 South Green St., Morral, Ohio 43337	Apr. 18, 1975 Aug. 27, 1976
Do	Logan	Russells Point, village of	H 390342A 01 through H 390342A 02.	Mayor, Locust Dr., Russells Point, Ohio	Apr. 5, 1974
Oklahoma	Hughes	Wetumka, city of	H 400453 01 through H 400453 02.	Mayor, City Hall, 202 North Main St., Wetumka, Okla. 74883.	Oct. 22, 1976
Oregon	Sherman	Wasco, city of	H 410195 01	Mayor, City Hall, Wasco, Oreg. 97065	Do.
Pennsylvania	Butler	Buffalo, township of	H 421416A 01 through H 421416A 02.	Chairman, Board of Supervisors, 565 Parker Rd., Sarver, Pa. 16055.	Sept. 20, 1974 Aug. 27, 1976
Do	Erie	Corry, city of	H 420447A 01 through H 420447A 07.	Mayor, Municipal Bldg., Corry, Pa. 16407	Apr. 12, 1974 Aug. 27, 1976
Do	Mercer	Greenville, borough of	H 420674A 01 through H 420674A 02.	Mayor, 125 Main St., Greenville, Pa. 16125	Aug. 23, 1974 Aug. 27, 1976
Do	York	Heidelberg, township of	H 422221A 01 through H 422221A 09.	Chairman, Township Bldg., Menges, Mills, Pa. 17346	Jan. 10, 1975 Aug. 27, 1976
Do	Cumberland	Lower Allen, township of	H 421016A 01 through H 421016A 03.	President of Commission, 427 Candlewyck Rd., Camp Hill, Pa. 17011.	Feb. 1, 1974 Aug. 27, 1976
Do	Union	Mifflinburg, borough of	H 420832A 01	Mayor, 305 North Third St., Mifflinburg, Pa. 17844	Jan. 23, 1974 Aug. 27, 1976
Do	Lebanon	Millcreek, township of	H 420574 01 through H 420574 08.	Chairman, Newmanstown, Pa. 17073	Oct. 22, 1976
Do	Crawford	Oil Creek, township of	H 421568 01 through H 421568 05.	Township Supervisor, R.D. 2, Titusville, Pa. 16354	Do.
Do	Lancaster	Pequea, township of	H 421779 01 through H 421779 05.	Chairman, Township Supervisors, Pequea Township Bldg., R.D. 1, Willow Street, Pa. 17584.	Do.
Do	Cumberland and Franklin.	Shippensburg, borough of	H 420368 01 through H 420368 04.	Mayor, P.O. Box 129, Shippensburg, Pa. 17257	Do.
Do	Lycoming	South Williamsport, borough of	H 420658A 01	Mayor, 329 West Southern Ave., South Williamsport, Pa. 17701.	Apr. 5, 1974 Aug. 27, 1976
Do	Clarion	Toby, township of	H 422377 01 through H 422377 10.	Chairman, R.D. 1, Parker, Pa. 16049	Oct. 22, 1976
Do	Schuylkill	Washington, township of	H 422506 01 through H 422506 09.	Chairman, R.D. 2, Box 433, Pine Grove, Pa. 17963	Do.
Do	Lancaster	West Lampeter, township of	H 420566A 01 through H 420566A 05.	Chairman, 1711 Lampeter Rd., Lampeter, Pa. 17537	Feb. 8, 1974 Aug. 27, 1976
Do	Montgomery	Whitemarsh, township of	H 420712 01 through H 420712 06.	Chairman of Supervisors, Township Bldg., Lafayette Hill, Pa. 19444.	Oct. 22, 1976
Do	Luzerne	Wilkes-Barre, township of	H 421823 01 through H 421823 02.	Mayor, 827 East Northampton St., Wilkes-Barre, Pa. 18702.	Do.
Do	Lycoming	Williamsport, city of	H 420662A 01 through H 420662A 03.	Mayor, City Hall, Williamsport, Pa. 17701	June 29, 1973 Aug. 27, 1976
Do	Butler	Winfield, township of	H 421225A 01 through H 421225A 03.	Chairman, Box 65, Cabot, Pa. 16023	July 26, 1974 Aug. 27, 1976
Do	York	Yoe, borough of	H 420044A 01	Mayor, 317 South Wilson, Court Yoe, Pa. 17313	June 28, 1974
Do	Delaware	Yeadon, borough of	H 420442A 01 through H 420442A 03.	Mayor, Borough Hall, Yeadon, Pa. 19050	Do. Aug. 27, 1976
Rhode Island	Providence	North Smithfield, town of	H 440021A 01 through H 440021A 10.	Town Clerk, Town Hall, Main St., Slatersville, R.I. 03876.	June 14, 1974 Aug. 27, 1976
South Carolina	Darlington	Darlington, city of	H 450061A 01 through H 450061A 02.	Mayor, P.O. Box 57, Darlington, S.C. 29532	June 7, 1974 Aug. 27, 1976
Tennessee	Gibson	Milan, town of	H 470060A 01 through H 470060A 03.	Mayor, South First St., Milan, Tenn. 38358	May 24, 1974 Aug. 27, 1976
Texas	Tarrant	Everman, city of	H 480594A 01	Mayor, City Hall, 212 North Race, Everman, Tex. 76140.	Dec. 17, 1973 Aug. 27, 1976
Do	Palo Pinto	Gordon, town of	H 480963 01	Mayor, Town Hall, Gordon, Tex. 76453	Oct. 22, 1976
Do	Shelby	Joaquin, town of	H 481005 01	Mayor, Town Hall, P.O. Box 237, Joaquin, Tex. 75954	Do.
Do	Kimble	Junction, city of	H 480421A 01 through H 480421A 03.	Mayor, City Hall, 102 North Fifty St., Junction, Tex. 76849.	Mar. 22, 1974 Aug. 27, 1976
Do	Hardin	Lumberton, town of	H 481111 01 through H 481111 02.	Mayor, Town Hall, Lumberton, Tex. 77676	Oct. 22, 1976
Do	Hidalgo	Pharr, city of	H 480347A 01 through H 480347A 12.	Mayor, City Hall, 217 West Park St., Pharr, Tex. 78577	May 31, 1974 Aug. 27, 1976
Do	Sabine	Pineland, town of	H 480998 01	Mayor, P.O. Drawer 38, Pineland, Tex. 75968	Oct. 22, 1976
Do	Briscoe	Quitaque, city of	H 480715 01	Mayor, c/o James Brunson, Ald, P.O. Box 385, Quitaque, Tex. 79255.	Do.
Do	Lamar	Roxton, city of	H 480128A 01	Mayor, City Hall, Roxton, Tex. 75477	May 3, 1974 Aug. 22, 1976
Do	Austin	San Felipe, town of	H 480705 01 through H 480705 04.	Mayor, Town Hall, San Felipe, Tex. 77473	Oct. 22, 1976
Do	Hidalgo	San Juan, city of	H 480348A 01	Mayor, City Hall, 715 South Nebraska, San Juan, Tex. 78589.	Mar. 22, 1974
Do	Lubbock	Shallowater, town of	H 480917 01	Mayor, P.O. Box 239, Shallowater, Tex. 79363	Oct. 22, 1976
Do	Wheeler	Shamrock, city of	H 480656 01 through H 480656 02.	Mayor, City Hall, 116 West Second St., Shamrock, Tex. 79079.	Do.
Do	Sutton	Sonora, city of	H 480580A 01 through H 480580A 03.	Mayor, City Hall, 304 Northesat Oak St., Sonora, Tex. 76950.	Mar. 1, 1974 Aug. 27, 1976
Do	Lamb	Spring Lake, town of	H 480897 01	Mayor, Town Hall, Spring Lake, Tex. 79082	Oct. 22, 1976
Do	Titus	Talco, city of	H 481024A 01	Mayor, City Hall, 210 Broad St., Talco, Tex. 75487	Do.
Do	Dallas	Woodland Hills, city of	H 481166 01	Mayor, Route 1, P.O. Box 987, Dallas, Tex. 75224	Do.
Do	Throckmorton	Woodson, city of	H 481022 01	Mayor, City Hall, P.O. Box 251, Woodson, Tex. 76091	Do.
Utah	Box Elder	Garland, city of	H 490207 01	Mayor, City Hall, Garland, Utah 84312	Do.
Do	Sevier	Glenwood, city of	H 490126 01	Mayor, P.O. Box 573, Glenwood, Utah 84730	Do.
Do	Cache	Millville, town of	H 490021 01	Town President, Town Hall, Millville, Utah, 84326	Do.
Vermont	Franklin	Franklin, town of	H 500310A 01 through H 500310A 17.	Selectman, Town Hall, Franklin, Vt. 05457	Nov. 15, 1974 Aug. 27, 1976
Do	Rutland	Mount Holly, town of	H 500096A 01 through H 500096A 15.	Selectman, Town Hall, Mount Holly, Vt. 05758	June 28, 1974 Aug. 27, 1976
Do	Washington	Plainfield, town of	H 500275A 01 through H 500275A 08.	Selectman, Town Hall, Plainfield, Vt. 05667	Aug. 9, 1974 Aug. 27, 1976
Do	Windsor	Royalton, town of	H 500153A 01 through H 500153A 12.	Selectman, Town Hall, Royalton, Vt. 04068	July 19, 1974 Aug. 27, 1976
Do	Grand Isle	South Hero, town of	H 500226A 01 through H 500226A 16.	Chairman, South Hero Planning Board, South Hero, Vt. 05486.	Oct. 18, 1974 Aug. 27, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Virginia	Dickenson	Haysi, town of	H 510046A 01 through H 510046A 03.	Mayor, Town Office, Haysi, Va. 24256	May 31, 1974 Aug. 27, 1976
Washington	Pierce	Eatonville, town of	H 530283 01	Mayor, P.O. Box 296, Eatonville, Wash. 98328	Oct. 22, 1976
Do	King	Hunts Point, town of	H 530288 01	Mayor, 3261 Hunts Point Rd., Bellevue, Wash. 98004	Do.
Do	Kittitas	Roslyn, city of	H 530299 01	Mayor, City Hall, Roslyn, Wash. 98941	Do.
Do	Thurston	Yelm, town of	H 530310 01	Mayor, c/o Orlando J. Martyr, Clerk, P.O. Box 479, Yelm, Wash. 98597.	Do.
West Virginia	Ohio	Tridelphia, town of	H 540150A 01 through H 540150A 04.	Mayor, Box 177, Tridelphia, W. Va. 26059	Feb. 8, 1974 Aug. 27, 1976
Wisconsin	Green Lake	Green Lake, city of	H 550167 01	Mayor, 534 Mill St., Green Lake, Wis. 54941	Oct. 22, 1976
Do	Waukesha	Menomonee Falls, village of	H 550483A 01 through H 550483A 12.	Manager, City Hall, Menomonee Falls, Wis. 54751	Sept. 13, 1974 Aug. 27, 1976
Do	Shawano	Wittenberg, village of	H 550423A 01	Village President, Wittenburg, Wis. 54499	May 24, 1974
Wyoming	Converse	Douglas, town of	H 560013A 01	Mayor, Town Hall, 130 South Third St., Douglas, Wyo. 82633.	Nov. 1, 1974 Aug. 27, 1976
Do	Fremont	Dubois, town of	H 560018A 01	Mayor, Town Hall, P.O. Box 456, Dubois, Wyo. 82513	Jan. 23, 1976 Aug. 27, 1974

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

Issued: August 12, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24531 Filed 8-23-76;8:45 am]

[Docket No. FI-996]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Wormleysburg, Cumberland County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Wormleysburg, Cumberland County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board, Municipal Building, 20 Market Street, Wormleysburg.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation, feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Market Street Bridge	320		280
	Walnut Street Bridge	320		380
	Taylor Bridge	321		780
	Confluence with Conodoguinet Creek	321		1,000

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

Issued: August 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24511 Filed 8-23-76;8:45 am]

[Docket No. FI-953]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Norton, Virginia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Norton, Virginia under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or

through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 618 Virginia Avenue, Norton.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Guest River	Northern corporate limits	2,201	[1]	240
	N. & W. Railroad crossing at Lost Creek	2,087	180	185
	Kentucky Avenue	2,078	130	145
	Rose Avenue		180	75
	Chestnut Avenue (Esserville)	2,070	250	70
Clear Creek	Esserville, eastern corporate limits	2,106	120	120
	12th Street (Esserville)	2,083	140	125
	N. & W. Railroad (Esserville)	2,080	195	50
Benges Branch	Western corporate limits	2,022	40	70
	Interstate railroad	2,030	80	130
	Main Avenue	2,075	70	870
	L. & N. Railroad	2,135	190	300
	Spring Avenue	2,145	375	[2] 500
	Laurel Avenue (extended)	2,210	110	45
	Chapman Street (extended)	2,235	250	80
Powell River	Along Route 610		50–100	[1]
	Along western corporate limits		40–240	10–170

[1] Corporate limits.
[2] Along road.

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

Issued: August 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24514 Filed 8-23-76;8:45 am]

[Docket No. FI-1,025]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Richland Hills, Tarrant County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Richlands Hills, Tarrant County, Texas under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board at City Hall, 3200 Diana Drive, Richland Hills, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation, feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Big Fossil Creek, tributary 3.	Dover Lane	563	20	125
	Brooks Street	558	40	90
	Hoven Kamp Avenue	555	60	30
	Bridges Avenue	543	65	90
	Baker Boulevard (Highway 183) north side.	540	25	40
	Baker Boulevard (Highway 183) south side.	534	10	25
	Latham Drive	530	50	25
	Park Place Drive	517	75	170
	Pecan Park Drive	512	310	200
	Texas Electric Service Co. right-of-way	509	240	815
	Pipe Line Co. easement	508	225	775
	Pine Park Drive	504	305	(1)
	Kingsbury Avenue	50	370	1,345
	Rosebud Drive	502	390	1,110
	Cecil Drive	501	800	1,635
Big Fossil Creek, tributary 4.	Baker Boulevard (Highway 183) north side.	541	80	35
	Baker Boulevard (Highway 183) south side.	538	80	90
	Kings Court	523	50	45
	Park Place Drive	519	40	45
	Pecan Park Drive	512	100	225
	Kingsbury Avenue	510	210	1,530
Calloway Branch	Glen View Drive	555	325	50
	Leslie Drive (extended)	553	500	50
	Norma Lane (extended)	550	190	300
	Beth Court (extended)	549	380	165
	Southern corporate limits	545	110	290
Trinity River, tributary 2.	Alley (Street)	540	30	25
	Baker Boulevard (Highway 183) north side.	539	25	65
	Baker Boulevard (Highway 183) south side.	535	15	85
	Texas Electric Service Co., right-of-way	528	25	35
	State Highway 121, north side	520	110	30
	State Highway 121, south side	517	(1)	30
	Chicago, Rock Island and Gulf Railroad	515	(1)	185
	Southern corporate limits	515	(1)	80
Big Fossil Creek, tributary 5.	Northern corporate limits	534	35	80
	Baker Boulevard (Highway 183) north side.	532	110	105
	Baker Boulevard (Highway 183) south side.	520	115	80
	Allena Lane	507	550	200
	Lavon Drive (extended)	502	925	(1)
Big Fossil Creek, tributary 3.	Hardisty Street	580	110	145
	Glen Hills Road	576	140	90
	Richlynn Terrace	571	260	120
	Richland Road	567	40	65

[1] Corporate limit.

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

Issued: August 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24513 Filed 8-23-76;8:45 am]

[Docket No. FI-1,003]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Conyngham, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Conyngham, Luzerne County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board at the Fire Hall, Main Street, Mocanaqua, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
North Branch Susquehanna River.	Northwest corporate limits	528	[2] 340	
	LR 40030 Bridge	522	[2] 220	
	T-436 (extended)	521	[2] 760	
	LR 40120 (extended)	518	[2] 800	
	T-448 (extended)	512	[2] 400	
	Southwest corporate limits	511	[2] 800	
Wapwallopen Creek	Southeast corporate limits	521	[2] 400	
	100 east of LR655	511	[2] 460	
	Penn-Central Railroad	511	[2] 320	
Little Wapwallopen Creek.	Southern corporate limits	[1]	60	120
	LR 40026	[1]	200	120
	T-459	515	720	160
	Penn-Central Railroad	515	50	1,940

[1] Not determined.
[2] Inside corporate limits.

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

Issued: August 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-24512 Filed 8-23-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Wyoming's Reclamation Laws and Requirements

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally owned coal resources. 41 F.R. 20252 (1976). Those regulations established a procedure under which the Secretary of the Interior may decide, through rulemaking, that the Department will approve mining plans in a particular state only if the mining plans would comply with the requirements of state reclamation laws which are as stringent as the reclamation requirements of 30 CFR Part 211. In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a state's reclamation law. 41 FR 27993 (1976).

The Department has now completed its review of the requirements of the reclamation laws of the State of Wyoming using the procedures explained in the advance notice of proposed rulemaking. The Department has begun, but has not finished reviewing the requirements of other states. This rulemaking proceeding proposes that the requirements of the State of Wyoming's reclamation laws be applied as a condition upon the approval of any proposed federal exploration or mining plan. The proposed rulemaking lists the provisions of Wyoming law which are laws relating to reclamation, and lists the federal regulations that are superseded by the Wyoming requirements.

Title 30 CFR 211.75(a) says:

Section 211.75. *Applicability of State law.* (a) On the effective date of this part, and from time to time thereafter, the Secretary shall direct a prompt review of State laws and regulations in effect, relating to reclamation of lands disturbed by surface mining of coal in each State in which Federal coal has been leased, permitted, or licensed. If, after such review, the Secretary determines that the requirements of the laws and regulations of any such State afford general protection of environmental quality and values at least as stringent as would occur under exclusive application of this part, he shall, by rulemarking, direct that the requirements of such State laws and regulations thereafter be applied as conditions upon the approval of any proposed exploration or mining plan, unless:

(1) The Secretary determines that such application of the requirements of such laws and regulations would unreasonably and substantially prevent the mining of Federal coal in such State, and

(2) The Secretary determines that it is in the overriding national interest that such coal be produced without such application of such requirements. In any such determination of overriding national interest, the Secretary will consult in advance of such determination with the Governor of the State involved.

* * * * *

Table I summarizes the comparison that was made. (The Analytical Criteria used in the Table are illustrative of the requirements of federal law; their use is not intended to change the effect of the regulations). Table II sets out, verbatim, the requirements of Wyoming's laws and regulations that will be adopted. The proposed § 211.76(b), and the column of Table I captioned "Federal Citation (30 CFR Part 211)", list those sections of 30 CFR Part 211 that the Department has concluded are regulations relating to the reclamation of lands disturbed by surface mining of coal. The list consists of 30 CFR 211.40 (a), minus the paragraphs of that section that are directed toward health and safety concerns or purely procedural requirements, rather than reclamation concerns. The omitted paragraphs are 30 CFR 211.40(a) (9), (10), (13)(iii), (14)(ii)(A), (15), (16), (17). The Department determined that the provisions of Part 211 not in § 211.40(a) were not regulations relating to the reclamation of lands disturbed by coal mining either because they (1) were purely procedural requirements; (2) were requirements unrelated to reclamation; or (3) were requirements already included in § 211.40. For example, § 211.10 prescribes what information must be submitted in a mining plan. This assists the Mining Supervisor in determining whether an operator would comply with the substantive reclamation requirements. The section adds no "on-the-ground" requirements, however, and it is primarily a procedural requirement. Similarly, § 211.41(c) *Permanent abandonment,* which states what steps must be taken to properly abandon a mining operation, and which requires backfilling, regrading and revegetating, merely repeats requirements that are also found in the performance standards in § 211.40(a). Omitting § 211.41(c), does not lessen the operator's reclamation duties. The Department has also decided that the procedures in 30 CFR 211.74, *Variances* are not regulations relating to reclamation of lands disturbed by surface mining of coal, and they will not be superseded by this rulemaking. Both Wyoming's rules and regulations and the Department's regulations have procedures that allow an operator to vary from a reclamation requirement if the variation is essential to achieve the desired post-mining use of the reclaimed lands. Wyoming treats this type of problem in the text of its reclamation requirements; the Department treats it in a separate section. If the Department adopts the reclamation requirements of Wyoming's laws and regulations, as proposed by this rulemaking, it will grant variances from the reclamation requirements only after consideration of the requirements of Wyoming law, but will use the procedures in 30 CFR 211.74 to process the request for a variance. The Department will consult with Wyoming in deciding whether to grant a variance.

The comparison in Table I shows that the requirements of Wyoming's laws and regulations are equal to or greater than those in 30 CFR Part 211 in every instance except one, the requirement for limiting access to protect the reclaimed land from grazing. This "deficiency" is minimized by other provisions which ensure that overall general environmental protection is at least as stringest as under Federal regulations. The requirements that were reviewed are substantive not procedural requirements. Those aspects of procedure which relate to the administration and enforcement of reclamation operations are not a part of this rulemaking, but may be covered as part of agreements made under 30 CFR 211.75 (b). The procedures that will be used in deciding whether to approve a mining plan are federal procedures.

After reviewing the comparison, the Task Force (1) made a preliminary recommendation that the requirements of Wyoming's reclamation laws provided general environmental protection at least as stringent as would occur under 30 CFR Part 211, and (2) determined that application of these laws and regulations as a condition to federal approval of mining and exploration plans would not unreasonably and substantially prevent the mining of federal coal in Wyoming.

The Secretary reviewed the Task Force's conclusions and directed that this notice of proposed rulemaking be published. The proposed rulemaking adds a new section, § 211.76 to 30 CFR Part 211. Paragraph (a) of the new section lists the requirements of Wyoming's reclamation laws and regulations that will be made a condition to federal approval of a mining or exploration plan under 30 CFR Part 211. Paragraph (b) lists the sections of Part 211 that are replaced by the requirements of Wyoming's laws and regulations. Paragraph (c) says that the Department may, through rulemaking, terminate the application of the requirements in § 211.76(a) if changes in

the requirements of either Federal or State law make that application inconsistent with 30 CFR 211.75(a). Before the regulations are finally adopted, the Department, and the State of Wyoming will have to execute a memorandum of understanding to cover how they will act on changes in Federal or State laws or regulations. This agreement will be published along with the final rulemaking.

This rulemaking also includes two proposed technical amendments to Part 211. The first technical amendment corrects a drafting error in § 211.40(a)(2). The last sentence of that section is a variance procedure, not a performance standard and it should have been included in § 211.74. The proposed amendment corrects this error. The second technical amendment separates the health and safety aspects of § 211.40(a)(14)(ii) from the reclamation aspects of that section. When the proposed rulemaking refers to either § 211.40(a)(2), or § 211.40(a)(14)(ii), or § 211.74, the reference is to those sections as amended by these technical amendments.

Although the proposed rulemaking does not attempt to amend 43 CFR Subpart 3041, the Department would like to clarify that the reclamation requirements of that section will be administered consistently with the changes made in Part 211 as the result of this rulemaking. If necessary, this will include making appropriate changes in the language of Subpart 3041.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR Part 3041) and Coal Mining Operating Regulations (30 CFR Part 211) (1976). NEPA does not require, and the Department will not prepare, a separate impact statement for this action.

The Department will conduct a public meeting on this proposed rulemaking during the week of September 20, 1976, in Cheyenne, Wyoming. The exact time and place of the hearing will be announced shortly. Any person who wishes to testify at the hearing should notify the Chief, Office of Public Affairs, Bureau of Land Management, Cheyenne, Wyoming 82001, (Tel. no. (307)–778–2220). The meetings will be open to the public. Depending upon the number of people desiring to be heard, the Chairperson may limit the amount of time available for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 15 minutes. Additionally, such remarks should be reduced to writing and at least two copies filed with the Chairperson at the meetings. Individuals desiring to present extended remarks or written comments only for the record may do so at the meetings through the filing of at least two copies.

In addition, the Department will accept written comments on the proposed rulemaking until October 26, 1976. As the advance notice of proposed rulemaking stated, the comment period will not be extended. Please send your comments to Deputy Under Secretary Lyons, Chairman, Task Force on the Adoption of Requirements of State Reclamation Laws, Department of the Interior, Washington, D.C. 20240.

Dated: August 19, 1976.

JOHN KYL,
Acting Secretary,
U.S. Department of the Interior.

1. The Department of the Interior proposes to amend Title 30 CFR Part 211:

(a) By deleting the last sentence of 30 CFR 211.40(a)(2), and revising and renumbering 30 CFR 211.40(a)(14)(ii). As amended § 211.40 (a)(2) and (a)(14)(ii) reads as follows:

§ 211.40 Operating and reclamation standards.

(a) * * *

(2) The operator shall replace overburden and waste materials in the mined area by backfilling (compacting where necessary, to ensure stability or to prevent leaching of toxic materials), grading, or other means, so as to cover all acid-forming or other toxic materials, eliminate highwalls and spoil piles and restore the approximate original contour. Where the thickness of the coal deposits relative to the volume of overburden and other spoil and waste materials are either insufficient or more than sufficient to restore the approximate original contour, the operator shall, in order to provide adequate drainage, backfill, grade, and, where necessary compact using all available overburden or spoil material, to obtain the lowest practicable grade, which shall in any event be less than the angle of repose. Excess overburden or other spoil material shall be fully reclaimed in accordance with the requirements of this part;

* * * * *

(14) * * *

(ii) Provide warning signs, fencing, flagman, barricades and other safety and protective measures as may be necessary to regulate public access, vehicular traffic, and wildlife or livestock grazing in all areas of active operations, including lands undergoing reclamation:

(A) To protect the public, wildlife and livestock from hazards associated from such operations; and

(B) To protect revegetated areas from unplanned and uncontrolled grazing.

* * * * *

(b) By Amending 30 CFR 211.74(e) to read as follows:

§ 211.74 Variances.

* * * * *

(e) An operator may apply for a variance pursuant to the provisions of paragraph (a) of this section only by submitting a new or revised mining plan to the Mining Supervisor pursuant to the provisions of this Part. Variance from the requirements of subdivision (i) and (ii) of § 211.40(a)(2) may be allowed in an approved mining plan if the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management or the comparable appropriate authorized officer, determines that unusual physical conditions at the site, such as steeply dipping coal beds or multiple seam mining exists and such conditions make backfilling pursuant to such requirements impracticable as a result of the volume of material excavated or environmentally undesirable as a result of the duration of the operation. Minor changes of operations which do not involve violations of the performance standards set forth in this part, and the granting of a variance pursuant to this § 211.40(a)(2), will not be deemed to be subject to or require compliance with, the provisions of this section.

* * * * *

Adding a new § 211.76 to read as follows:

§ 211.76 Applicability of the requirements of Wyoming's Reclamation Laws and Regulations.

(a) Pursuant to § 211.75(a) the Secretary has determined that federal approval of a mining or exploration plan in Wyoming required by this Part 211 will be granted only if the plan would comply with the requirements of Wyoming's reclamation laws and regulations that are listed in subparagraphs (1)–(10) of this paragraph:

(1) Wyo. Stat. 35.502.3(e)(i);
(2) Wyo. Stat. 35.502.21(a)(i)–(vi);
(3) Wyo. Stat. 35.502.24:1;
(4) Wyo Stat. 35.502.32(b)(ii)–(ix);
(5) Wyo. Land Quality Reg. II–1b;
(6) Wyo. Land Quality Reg. II–2a(1), (2);
(7) Wyo. Land Quality Reg. II–3–5;
(8) Wyo. Land Quality Reg. III–1–4, 6–7;
(9) Wyo. Land Quality Reg. IV–1;
(10) Wyo. Land Quality Reg. VIII–1

(b) Paragraph (a) of this section supersedes the requirements of the following sections in this Part 211:

(1) 211.40(a)(1)–(8);
(2) 211.40(a)(11)–(13)(ii);
(3) 211.40(a)14(ii)(B)

(c) This section remains in effect until the Secretary determines, through rulemaking, and in accordance with a memorandum of understanding with the State of Wyoming that:

(1) The requirements of Wyoming's reclamation laws and regulations fail to provide general protection of environmental quality and values at least as stringent as would occur under the exclusive application of this Part; or

(2) The requirements of Wyoming reclamation laws and regulations unreasonably prevent the mining of federal coal and it is in the overriding national interest that the coal be produced without application of the requirements listed in paragraph (a) of this section.

WYOMING

TABLE 1.—*Comparison of requirements of Federal-State reclamation laws and regulations*

Analytical criteria	Federal citation (30 CFR pt. 211)	State citation (chapter/section)	Comments	Stringency of protection
A. Timing and objectives of reclamation:				
1. Contemporaneously as practicable with operations.	211.40(a)(1)	IV-1 II-1b 35-502.21(a) (i)-(iii)	Under State law reclamation must begin as soon as possible and continue concurrently.	Equal.
2. To a condition capable of supporting prior uses		35-502.32(b)(ix) II-4a(3)		
B. Restoration of approximate original contour	211.40(a)(2)	II-2a (1), (2) 35-502.21(a)(ii) 35-502.3(e)(i) II-3 35.502.32 (v), (vi)	Federal regulations require elimination of a highwall unless a variance is allowed. State regulations provide that a stabilized highwall may be left if a water impoundment is approved in the reclamation plan.	Equal.
1. Replace overburden in the mined area by backfilling, grading, or other means.				
2. Eliminate highwalls				
3. Eliminate spoil piles				
4. Restore the approximate original contour				
C. Stabilize and protect surface areas affected by coal mining and reclamation.	211.40(a)(3)	II-2a (1), (2) II-5c(2) 35-502.3(e)(i)	State regulations do not explicitly require operator to protect and stabilize all mined areas, but the requirement is implicit in other sections.	Equal.
1. Control slides, erosion, subsidence, and attendant air and water pollution.				
D. Topsoil handling, replacement	211.40(a)(4)	35-502.21(a)(v) II-4(a) (1), (2) II-4(b)1	No significant differences	Equal.
1. Remove topsoil separately				
2. Stockpile topsoil if not used immediately				
3. If topsoil is stockpiled for lengthy period, use vegetative cover to protect from wind and water erosion.				
4. If topsoil is poor in quantity or quality, use best suitable material available for revegetation.				
5. Replace topsoil on backfilled areas				
E. Revegetation	211.40(a)(13)	II-5 II-1(b)(3) 35-502.21(a)(iv) 35.502.32(vii)	State exempts land which did not contain vegetation prior to disturbance; State requires test plots for substitute species.	State.
1. Establish diverse vegetative cover, native to the area on regraded areas and all other affected lands which is capable of regeneration and plant succession.				
2. Establish vegetative cover at least equal in density and permanence to the native vegetation.				
3. Use of approved mixtures of introduced or native species where preferable.				
F. Hydrologic management of water impoundments, retention facilities, dams, and settling ponds.	211.40(a)(5)	II 2 III 6 35-502.24.1	Both State and Federal regulations have similar requirements for management of water impoundments. State regulations are silent on use of mine or process wastes in construction of water facilities, but require prior approval by the State engineering office.	Equal.
1. Assure the water facilities are adequate for intended purpose and that water quality and quantity is adequate.				
2. Assure that water facilities are designed according te sound engineering standards and practices.				
3. Assure that grading of water facilities provides adequate access for proposed water uses.				
4. Assure that mine and process wastes are not used in construction of water facilities.				
5. Minimize disturbances to prevailing quality, quantity, and flow of water in surface and ground systems.				
G. Minimize disturbances to prevailing quality, quantity, and flow of water in surface and ground systems at mine site and offsite by:	211.40(a)(7)	III 1-3	Federal Regulations require best practicable commercial technology to minimize, control, or prevent disturbances to ground and surface water systems. State regulations are more specific on standards for diversion ditches.	Equal.
1. Control acid or toxic drainage				
2. Minimize contributions of suspended solids to streamflow or runoff.				
3. Unless authorized do not deepen or enlarge stream channels.				
4. Remove or modify siltation structures after disturbed areas are revegetated and stabilized.				
5. Protect the quality, quantity, and flow of both upstream and downstream surface and ground water resources of valley floors with significant vegetation.				
H. Handling of toxic materials	211.40(a) (2), (5), (6), (8)	III 1-3 35-502.32(b), (iii), (iv)	State provides that auger holes may be plugged if they are a source of pollution.	Equal.
1. Cover or plug auger holes to minimize harmful drainage.				
2. Minimize air and water pollution by treating or disposing of rubbish and noxious substances.				
3. Cover acid-forming or toxic materials				
4. Control acid or toxic drainage to protect water quality.				
I. Roads, pipelines, powerlines, etc	211.40a (11), (12)	VIII 1	Provided for	Equal.
1. Roads, etc, shall be designed to applicable standards.				
2. Roads, etc., shall be removed in an environmentally acceptable manner when no longer necessary.				
3. Roads shall not be surfaced with acid or toxic substances.				
4. Roads shall not be constructed in a stream nor shall a stream bed be used as a road.				
J. Limit access to protect reclaimed areas	211.40(a)14	II-5	State requires protection by fencing, or other techniques, for two years or until vegetation is capable of renewing itself.	Federal.
1. Protect revegetated areas from unplanned and uncontrolled grazing by providing fencing, barricades, and other protective measures.				

TABLE II—APPLICABLE PROVISIONS OF WYOMING'S LAWS AND REGULATIONS

WYOMING STATUTES

(1) § 35–502.3.

(e) Specific definitions for land quality:

(i) "Reclamation" means the process of reclaiming an area of land affected by mining to use for grazing, recreational, wildlife purposes, or any other purpose of equal or greater value. The process may require contouring, terracing, grading, resoiling, revegetation, compaction, and stabilization, settling ponds, water impoundments, diversion ditches, and other water treatment facilities in order to eliminate water diminution to the extent that existing water sources are adversely affected, pollution, soil and wind erosion, or flooding resulting from mining or any other activity to accomplish the reclamation of the land affected to a useful purpose;

(2) 35–502.21. *Establishment of standards.*

(a) The council shall, upon recommendation by the advisory board, establish rules and regulations pursuant to the following reclamation standards for the affected areas, including but not limited to:

(i) The highest previous use of the affected lands, the surrounding terrain and natural vegetation, surface and subsurface flowing or stationary water bodies, wildlife and aquatic habitat and resources, and acceptable uses after reclamation including the utility and capacity of the reclaimed lands to support such uses;

(ii) Backfilling, regarding or recontouring to assure the reclamation of the land to a use at least equal to its highest previous use;

(iii) A time schedule encouraging the earliest possible reclamation program consistent with the orderly and economic development of the mining property;

(iv) Revegetation of affected lands including species to be used, methods of planting and other details necessary to assure the development of a vegetative cover consistent with the surrounding terrain and the highest prior use standards set out in subparagraph (i) of this paragraph;

(v) Stockpiling, preservation and reuse of topsoil for revegetation, unless it can be demonstrated to the satisfaction of the administrator that other methods of reclamation or types of soil are superior;

(vi) Prevention of pollution of waters of the State from mining operations, substantial erosion, sedimentation, landslides, accumulation and discharge or acid water, and flooding, both during and after mining and reclamation;

(3) § 35–502.24:1. *Water impoundments.*

(a) In any plan for the creation of a permanent water impoundment the applicant must adequately demonstrate that:

(i) The size of the impoundment, contouring and revegetation, if any, are suitable for its intended purpose and use;

(ii) Final grading will provide adequate safety and access for proposed water users;

(iii) The impoundment dam construction will be so designed to insure permanent stability and to prevent safety hazards.

(4) § 35.502.32. *Duties of operator.*

(b) The operator, pursuant to an approved surface mining permit and reclamation plan, shall:

(i) • • •

(ii) Conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan;

(iii) Protect the removed and segregated topsoil from wind and water erosion, and from acid or toxic materials, and preserve such in a usable condition for sustaining revegetation when restored in reclamation, of if topsoil is virtually non-existent or is not capable of sustaining vegetation, then subsoil, which is available and suitable, shall be removed, segregated, and preserved in a like manner as may be required in the approved reclamation plan;

(iv) Cover, bury, impound, contain or otherwise dispose of toxic acid-forming, or radioactive material or any material determined by the administrator to be hazardous to health and safety, or which constitutes a threat of pollution to surface or subsurface water as may be required in the approved reclamation plan;

(v) Conduct contouring operations to return the land to the use set out in the reclamation plan;

(vi) Backfill or grade, and replace topsoil, or approved subsoil, which has been segregated and preserved as may be required in the approved reclamation plan;

(vii) Replace, as nearly as possible, native or superior self regenerating revegetation on land affected, as may be required in the approved reclamation plan;

(viii) Prevent, throughout the mining and reclamation operation, and for a period of five years after the operation has been terminated, pollution of surface and subsurface waters on the land affected by the institution of plantings and revegetation, the construction of drainage systems and treatment facilities including settling ponds and the casing, sealing of boreholds, shafts, and wells so that no pollution is allowed to drain untreated into surface or subsurface water in accordance with state of federal water quality standards, whichever are higher, as may be required in the approved reclamation plan;

(ix) Reclaim the affected land as mining progresses in conformity with the approved reclamation plan.

WYOMING LAND QUALITY RULES AND REGULATIONS

(1) *Wyoming Land Quality Regulations.* II–1b.

b. Land uses—Previous uses of affected lands must be ranked on an individual basis according to the overall economic or social value of the land use to the community or area in which these lands are found.

(1) Reclamation shall restore the land to a condition equal to or greater than the "highest previous use." The land, after reclamation, must be suitable for the previous use which was of the greatest economic or social value to the community or area, or must have a use which is of more economic or social value than all of the other previous uses.

(2) The administrator of the Land Quality Division shall bear the responsibility of making a decision on the ranking of land uses in a particular area. This decision must be based on information concerning the economy of the area and the needs and desires of the people living thereon. The Land Quality Advisory Board may be consulted for suggestions or recommendations on the ranking of land uses in a given area.

(3) Operators are required to restore wildlife habitat, whenever possible, on affected land in a manner commensurate with or superior to habitat conditions which existed before the land became affected, unless the land is used for a recreational or agricultural purpose which precludes its use as "wildlife habitat."

(4) Water impoundments used for recreational purposes shall be constructed in accordance with the statutes and Chapter III, Section 6, of these regulations. Recreational lands, other than water impoundments, represent changes in the land which may or may not be suitable for wildlife habitat.

(2) *Wyoming Land Quality Regulation:* II–2a(1), (2).

SEC. 2. *Methods of mining—Reclamation required*—Surface reclamation of affected lands shall meet the following requirements for soft rock surface mining, hard rock surface mining and underground mining as described separately below:

a. Soft rock surface mining.

(1) If the reclamation plan does not provide for a water impoundment, the final pit area shall be backfilled, graded and contoured to the extent necessary to return the land to the use specified in the approved plan. In preparation of slope specifications in the plan, the operator shall consider an average of the measured slopes in the immediate area of the proposed mine site. The maximum inclination of slopes in the reclaimed area shall not be greater than the average inclination of the natural slopes in the immediate mine area. Slopes greater than the average natural slopes may be approved if the operator can demonstrate to the satisfaction of the administrator that returning the mined area to a slope equal to or less than the average natural slopes would create an unwarranted increase in the amount of affected lands. Individual slope measurements, locations of the measurements, and the average measurement shall be submitted with the reclamation plan. In determination of the average natural slope, the Land Quality Division may make an independent slope survey. All backfilling, grading, and contouring will be done in such a manner so as to preserve the original drainage or provide for approved adequate substitutes. No depressions to accumulate water will be permitted unless approved in the reclamation plan as being consistent with the proposed future use of the land.

Terraces or benches may be used only when it can be shown to the administrator's satisfaction that other methods of contouring will not provide the required result. If terracing is proposed, detailed plans indicating the dimensions and design of the terraces, check dams, any erosion prevention techniques, and slopes of the terraces and their intervals will be required.

(2) If the reclamation plan provides for a water impoundment and this use has been approved according to the requirements outlined in these regulations, the exposed pit areas must be sloped, graded, and contoured so as to blend with the topography of the surrounding terrain and provide for access and revegetation. Riprapping where necessary to prevent erosion will be required. Sloping requirements will be as described above. Under certain conditions wherein it can be demonstrated to the administrator's satisfaction that the pitwall can be stabilized by terracing or other techniques it may be permissible to leave not more than one half (½) of a proposed shoreline composed of the stabilized pitwall. The remaining portion of the shoreline must be graded and contoured so as to provide access and blend in with the topography of the surrounding terrain. In the event that a partial pitwall is proposed as final reclamation, the operator must submit a detailed explanation of the techniques to be used to establish the stability of the pitwalls in his reclamation plan. At the administrator's discretion, a study of the proposed pitwall stabilization techniques may be required from an independent engineering company for purposes

of verifying the effectiveness of the proposed stabilization techniques. The Land Quality Division will determine the acceptability of the proposed stabilization techniques based on this information and an on-site inspection.

(3) *Wyoming Land Quality Regulations.* II–3–5.

SEC. 3. *Surface preparation.* Backfilling, grading, and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:

a. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.

b. Re-establishment of adequate through drainage if such a provision is necessary to prevent erosion, pollution or the accumulation of stagnant water.

c. Contouring of affected land to blend in with the topography of the surrounding terrain unless so doing would create an erosion problem or a hazard to man or beast.

d. Creation of water impoundments for a use certified in an approved plan in accordance with the statutes and Section 6, Chapter II, of these Regulations.

SEC. 4. *Topsoil, subsoil, overburden, and refuse.*

a. *Topsoil.* Topsoil, or an approved substitute, shall be evenly distributed on the surface of all lands affected during the course of the operation. Topsoil shall be so placed during the reclamation of all areas that are to be revegetated in accord with the approved reclamation plan.

(1) All topsoil or approved surface material shall be removed from all areas to be affected in the permit area prior to these areas being affected. The topsoil shall be segregated so as not to become mixed with subsoil and other overburden material, stockpiled in the most advantageous manner and saved for reclamation purposes.

(2) The topsoil or approved surface material shall be stockpiled in such a manner so as to minimize wind and water erosion. In order to accomplish this, the operator shall establish, through planting or other acceptable means, a quick growing cover of vegetation on the topsoil stockpiles. The topsoil shall also be protected from acid or toxic materials, and shall be preserved in a usable condition for sustaining vegetation when placed over affected land.

(3) Reclamation shall follow mining as soon as is feasible so as to minimize the amount of time topsoil must be stockpiled. If topsoil has been stored in a stockpile in excess of one year, the operator shall conduct soil analyses prior to use in order to determine its suitability for revegetation.

(4) Topsoil stockpiles shall be marked with a legible sign containing letters not less than six inches high on all approach roads to such stockpiles. Said signs shall contain the word "Topsoil" and shall be placed not more than 150 feet from any and all stockpiles of topsoil. Such signs must be in place at the time stockpiling is begun.

(5) The operator shall explain how the topsoil will be replaced on the affected land during reclamation, and shall indicate on his maps the location and sizes of all proposed topsoil stockpiles. This explanation shall include a description of the thickness of soil material to be placed over the affected land.

(6) If abundant topsoil is present, and it is not all needed to accomplish the reclamation required in the approved reclamation plan, the administrator may approve of use of this topsoil by this or another operator in another area for reclamation purposes.

(7) Trees, large rocks and other waste material which may hinder redistribution of topsoil shall be separated from the topsoil before stockpiling.

b. *Subsoil.* (1) If no topsoil is present in the permit area, or in the event that an operator must use subsoil for final cover, the operator shall obtain an adequate number of analyses of the subsoil to show pH, organic material content, available nitrogen, potassium, and phosphorus and such other elements and soil constituents as the administrator shall require, over the entire area of subsoil to be used, in order to determine suitability and fertilizer requirements. If the results of said analyses demonstrate to the satisfaction of the administrator that revegetation can be accomplished using such subsoil, the administrator may approve the use of such subsoil as an addition to or substitute for topsoil for reclamation purposes. The administrator shall require the operator to set up revegetation test plots using subsoil in order to determine the suitability of subsoil for revegetation purposes. Approval for the use of subsoil shall be obtained by the operator from the administrator prior to any mixing of topsoil and subsoil and prior to beginning any reclamation work. If the operator suspects that this procedure will be necessary prior to obtaining a permit he should describe the problem and his proposed procedure for eliminating this problem in his reclamation plan. If the problem is not discernible until after the permit is issued, an approved amendment to the reclamation plan will be required describing the operator's plans for accomplishing the above.

(2) Subsoil stockpiles shall be segregated from topsoil and overburden piles and shall be marked with a legible sign containing the word "Subsoil" in letters no less than six inches high on all approach roads to such stockpiles. Said sign or signs shall be placed not more than 150 feet from all stockpiles of subsoil. Such signs shall be placed at the time stockpiling is begun.

(3) The operator shall indicate on his maps the location of all subsoil piles.

(4) If subsoil is to be used in reclamation as a substitute for topsoil, all large rocks and other waste material which may hinder redistribution shall be separated before stockpiling.

(5) If all or some subsoil is not to be used in reclamation as a substitute for or additive to the topsoil, this unused subsoil must be regarded as all other overburden material and will be subject to the reclamation provisions described under the following section.

c. *Overburden, spoil and refuse.* (1) All overburden, spoil material and refuse shall be segregated from the topsoil and subsoil and stockpiled in such a manner to facilitate the earliest reclamation consistent with the approved reclamation plan.

(2) All overburden, spoil material, and refuse piles must be designed, graded, and contoured so as to blend in with the topography of the surrounding terrtain. (Slope requirements will depend on an everage of the slopes in the surrounding area as described in Chapter II, Section 2a. (1) and on the nature of the material.) After the grading and contouring of these stockpiles, topsoil, or approved subsoil must be distributed over them in preparation for the revegetation procedures. The slopes of all spoil areas must be designed so that they will be stabilized against wind and water erosion. This may include terracing, channeling around the toe of the spoil piles or other techniques. Terracing, if necessary, can be used to stabilize the slopes if it can be shown to the administrator's satisfaction that this technique of stabilization will produce the best results. If terracing is proposed, detailed plans indicating the dimensions and design of the terraces, check dams, erosion prevention techniques, slopes of the terraces, and terrace intervals will be required. The terrace design must be based on sloping requirements and the nature of the material involved.

(3) Piles of spoil material or other waste shall be marked with a legible sign containing the word "Spoil" or the words "Waste Material" in letters no less than six inches high on all approach roads to such spoil piles. Said sign or signs shall be placed not more than 150 feet from all stock piles. Such signs shall be in place at the time when piling of spoil or waste material is begun.

(4) All topsoil shall be removed from areas to be used for piling spoil material prior to the beginning of piling this material.

(5) The operator may be required to have analyses made of spoil material in order to determine if it will be a source of water pollution through reaction with leaching by surface water. If it is determined that this condition may exist, the operator shall describe proposed procedures for eliminating this condition.

(6) The operator must also indicate on his maps the location and size of all proposed spoil piles.

SEC. 5. *Revegetation.*

a. Revegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.

b. Land which did not support vegetation prior to becoming affected land because of natural soil conditions need not be revegetated unless subsoil from such affected land will support vegetation. The operator shall demonstrate to the administrator's satisfaction that revegetation or reforestation is not possible if he seeks to proceed under the provisions of this Subsection.

c. After backfilling, grading, and contouring and the replacement of topsoil, and/or approved substitute, in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be revegetated, any fertilizer requirements as determined on the basis of previous analyses must be fulfilled. Seeding which is accomplished by mechanical drilling shall be on the contour unless specific situations dictate that other methods of seeding should be used.

d. The species of plants (grasses, legumes, forbs, shrubs, and trees seeding rates, seeding techniques, mulching requirements, and seeding times to be used in a given area for reclamation purposes shall be in accordance with rules, regulations, specifications and standards adopted by the State Conservation Commission and approved by the Land Quality Division. Whenever practicable, the Wyoming Game and Fish Department and the Wyoming Department of Agriculture may be consulted regarding revegetation procedures. The species of vegetation to be used in revegetation efforts shall be described in the reclamation plan indicating the composition of seed mixtures and the amount of seed to be distributed on the area on a per acre basis. Seed types will depend on the climatic and soil conditions prevailing in the permit area and the proposed use of the land after reclamation. Species to be planted as permanent cover shall be self-renewing. Seeding rates will depend on seed types, climatic and soil conditions and the techniques to be used in seeding.

e. More suitable species of vegetation may be substituted if revegetation test plot results show such species to be of superior value for reclamation purposes. Requests to substitute such species shall be made in writing to the administrator. The administrator shall inspect such test plots before approval or disapproval of the request.

f. The administrator shall not release the entire bond of any operator until such time as revegetation is complete, if revegetation is the method of reclamation as specified in the operator's approved reclamation plan. Revegetation shall be deemed to be complete when the vegetative cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and is at least of a density comparable to undisturbed areas in the immediate vicinity of the reclaimed land. Revegetation should be capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to mining, unless federal, state or local regulations prohibit grazing on such lands. If reforestation is the method of revegetation used, reforestation shall be deemed to be complete at such time as seventy-five (75%) of the seedings planted have shown themselves capable of continued growth over a period of five (5) years following planting. Quality and quantity of vegetative cover shall be determined in accordance with scientifically acceptable sampling procedures.

g. Any plans for irrigation must meet state laws for this use and be explained in the reclamation plan.

h. The operator must protect young vegetative growth from being destroyed by livestock by fencing or other approved techniques for a periof of at least two (2) years, or until the vegetation is capable of renewing itself without supplemental irrigation or fertilization.

i. In those areas where there are no or very few noxious weeds prior to being affected by mining the operator must control and prevent the introduction of noxious weeds into the revegetated areas for a period of at least five (5) years after the initial seeding.

(4) *Wyoming Land Quality Regulation.* III–1–4, 6–7.

SECTION 1. *Temporary diversion of surface water.*

a. Surface water shall be diverted around the operation for the following purposes:

(1) To control water pollution.

(2) To control unnecessary erosion.

(3) To protect the on-going operation.

(4) To protect the water rights of downstream users.

b. Temporary diversion ditches shall be built to the following standards:

(1) In soils or other unconsolidated material, the sides of diversion ditches shall be no steeper than one and one-half to one (1½ : 1).

(2) In rock, the sides of diversion ditches shall not overhang.

(3) In soils or unconsolidated materials, the sides and in ditches carrying intermittent discharges, the bottom shall be seeded with approved grases so as to take advantage of the next growing season.

(4) Rock riprap, concrete, soil cement or other methods shall be used where necessary to prevent unnecessary erosion.

(5) Culverts or bridges shall be installed where necessary to allow access by the surface owner for fire control and other purposes.

c. In no case shall diversion ditches discharge upon topsoil storage areas, spoil or other unconsolidated material such as newly reclaimed areas.

d. A description of surface water diversion systems must be included in the mining plan and reclamation of these systems must be described in the reclamation plan.

SEC. 2. *Diversion of streams.*

a. In no case shall spoil, topsoil, or other unconsolidated material be pushed into, or placed below the flood level of a flowing or intermittent stream except during the approved construction of the diversion of said stream.

b. Diversion of a flowing stream classified as navigable shall first be approved by the Wyoming State Engineer.

c. The Wyoming Game and Fish Department shall be consulted prior to diversion or affecting more than 100 feet of bank or channel of a flowing stream.

d. The banks of a diverted flowing intermittent stream shall be protected by vegetation by planting approved species to take ad vantage of the next growing season.

e. The banks and channel of a diverted flowing or intermittent stream shall be protected where necessary by rock riprap or similar measures to minimize erosion and degradation of water quality.

f. Permanent diversion of a flowing stream must be fully described in the mining or reclamation plan.

g. Mining on the flood plain of a flowing or intermittent stream shall not be permitted if it would cause the uncontrolled diversion of the stream during periods of high water.

h. Waters flowing through or by the mining operation shall meet the standards set by the U.S. Environmental Protection Agency and the Wyoming Water Quality Division in regard to the effect of the operation upon such waters.

SEC. 3. *Surface waters.*

a. The operator shall list and describe the name, location, size, and approximate intermittent flow intervals for the present surface waters in and adjacent to the proposed permit area. The list shall include, but not be limited to, rivers, creeks, lakes, reservoirs, springs, and marshes.

b. Monitoring surface water conditions may be required during the course of the proposed operation based on the existing water conditions and the nature of the proposed operation.

SEC. 4. *Subsurface waters.*

a. The operator shall submit an estimate of the depth and quantity of any subsurface waters existing in the proposed permit area. The operator may be required to conduct test drilling and monitoring in order to determine the exact depth, quantity and quality of groundwater in geological formations affected by the mining operations. Such drilling will require permits from the State Engineer's Office.

SEC. 6. *Water impoundments.*

a. Water impoundments may be considered as final reclamation when it can be shown that their construction is an approved use of the land after reclamation and the proposed impoundments are part of the approved plan in accordance with the provisions of the statutes and these regulations.

b. In order for such impoundments to be considered for approval, the operator must submit the following in support of the proposal:

(1) Written consent from the surface landowner if different than the mineral owner.

(2) A description of the proposed use of the impoundment.

(3) A statement of the source, quality and quantity of water available for impoundment. It must be demonstrated that these characteristics will be consisted with the proposed use.

(4) A statement regarding the suitability for recreational, irrigation, livestock or wildlife watering. Such waters must be suitable for such use as determined by applicable State and Federal standards. The operator may be required to monitor surface and ground waters in order to determine that upon completion of the operation, the water quality and quantity will be consistent with the proposed use.

c. The operator must submit an alternative plan to be followed in the event monitoring indicates there is insufficient water of suitable quality to accomplish the proposed water impoundment plan.

d. All proposed water impoundments and dams to be constructed for reclamation purposed must be approved by the State Engineer's Office.

e. In addition to the above conditions, water impoundment construction will be subject to the following requirements:

(1) Dams must contain an overflow notch and spillway so as to prevent failure by overfilling and washing. Overflow notches and spillways must be riprapped with rock or concrete to prevent erosion.

(2) The slopes around all water impoundments must be gentle enough so as not to present a safety hazard to humans or livestock and so as to accommodate revegetation. Variations from this procedure may be approved by the administrator based on the conditions present at the individual locality.

(3) Mineral seams and other sources of possible water contamination within the impoundment area must be covered with overburden or stabilized in such a manner to prevent contamination of the impounded water.

(4) Bentonite or other mire producing material within the impoundment basin shall be removed or covered with materials which will prevent hazards to man or beast.

SEC. 7. *Tailings impoundments.*

a. Impoundments to contain mill tailings or slurry tailings shall be constructed in accordance with established engineering principles and shall be approved by the Wyoming State Engineer's Office. A copy of the State Engineer's approval shall be attached to the application.

b. Uranium mill tailings impoundments shall be subject to all applicable State and Federal requirements.

c. Reclamation of tailings impoundments shall be accomplished by removal and storage of all topsoil present within the tailings basin. After termination of operations, the topsoil shall be replaced and revegetated in accordance with these rules and regulations.

(1) If other methods of reclamation and stabilization against wind and water erosion are found to be necessary because of natural conditions, this must be stated and described subject to the administrators approval.

(5) *Wyoming Land Quality Regulation.* IV–1.

SEC. 1. *Time schedule.* The approved reclamation plan must be coordinated with the operator's mining plan in such a manner so as to facilitate reclamation at the earliest possible time consistent with the orderly development of the mining property.

a. Reclamation must begin as soon as possible after mining commences and must continue concurrently until such time that the mining operation is terminated and all of the affected land is reclaimed. If conditions are such that final reclamation procedures cannot begin until the mining operation is completed, this must be explained in the reclamation plan. Regardless of the type of operation, reclamation must begin within 180 days after termination of mineral production and must be completed within the time frame of the approved reclamation schedule. A detailed time schedule for the mining and reclamation progression must be included in the reclamation plan. This time schedule shall:

(1) Apply to reclamation of all lands to be affected in the permit area.

(2) Designate times for backfilling, grading, contouring, and reseeding.

(3) Be coordinated with a map indicating the areas of progressive mining and reclamation.

(4) Establish reclamation concurrently with mining operations, whenever possible.

(6) *Wyoming Land Quality Regulation.* VIII–1.

SECTION 1. *Roads and spur railroad lines.*

a. *Enclosure within permit area.* Access roads and railroad spurs shall be considered within the permit area and shall be covered by a reclamation bond. Spur lines shall be included within the permit area to the point where they join the main line or a spur serving another mine. Access and haul roads shall be included within the permit area. Roads maintained by the County, State or Federal Government need not be included in the permit area. Existing private roads must be included in the permit area if substantial upgrading is required.

b. *Upgrading.* Existing private roads need not be included within the permit area with the following exception(s).

(1) When the existing road requires extensive regrading and resurfacing in order to render the road usable.

(2) Upgrading of the road requires cuts, fills, and borrow areas.

c. *Legal ownership.* If the operator includes roads or spur lines within the permit area but does not possess the mineral rights or the right-to-mine, for these lands, the lands shall then be listed in the application as a separate Subsection in Appendix "C", the legal land description. The heading of the Subsection shall make it clear that the right-to-mine is not claimed on the described lands. Surface owners shall be listed for all lands crossed by spur lines and roads.

d. *Standards for roads.*

(1) Roads shall not be constructed up a stream channel or so close that the material shall spill into the channel.

(2) Streams shall be crossed at or near right angles unless contouring down to the stream bed will result in less potential stream bank erosion. Structure or ford entrances and exits must be constructed to prevent water from flowing down the roadway.

(3) A ditch must be provided on both sides of a through cut or a cutfill section, with ditch relief cross drains being spaced according to grade. Water must be intercepted before reaching a switchback or large fill area and diverted from the road. Water on a fill or switchback must be released below the fill or switchback, not over it. Waterbars shall be installed where needed.

(4) Culverts shall be installed at prominent drainageways, small creeks, and springs. Where necessary, culverts must be protected from erosion by adequae rock, concrete or riprap.

(5) Trees and vegetation may be cleared only for the essential width necessary to maintain slope stability and to serve traffic needs.

(6) Drainage facilities shall be installed as road construction progresses.

e. *Exemptions concerning roads.*

(1) If approval is obtained from the surface landowner to leave a road unreclaimed, an operator may request in writing to the Land Quality Division that a road be permitted to remain unreclaimed. The operator must furnish proof of the surface landowner's approval. Final decision of road reclamation will be made by the Land Quality Division Administrator.

(2) In the event that the surface landowner, a city or town, another agency of the State of Wyoming or an agency of the United States Government has approved the proposed access roads and has requested they not be reclaimed, no bond shall be required of the applicant for the reclamation of such roads and reclamation of such roads shall not be required; provided, however, that the administrator receives a copy of the written request from the surface landowner, city or town, or agency of the State or Federal Government, for retention of such roads.

[FR Doc. 76-24738 Filed 8-23-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Expenses and Rate of Assessment for 1976–77 Fiscal Year

This notice invites written comments relative to the proposed Olive Administrative Committee expenses of $876,000 and an assessment rate of $14 per ton of assessable olives to support committee activities during the 1976–77 fiscal year (September 1, 1976–August 31, 1977) under Marketing Order No. 932.

Consideration is being given to the following proposal submitted by the Olive Administrative Committee established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), as the agency to administer the order. The agreement and order regulate the handling of olives grown in California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is as follows:

(a) That expenses which are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1976, through August 31, 1977, will amount to $876,000.

(b) That the rate of assessment for that period, payable by each handler in accordance with § 932.39, be fixed at $14.00 per ton of olives.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file them, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112–A, Washington, D.C. 20250, not later than September 10, 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: August 19, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-24793 Filed 8-23-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

VOCATIONAL EDUCATION CURRICULUM

Additional Criteria

Pursuant to the authority contained in section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by revising Appendix C to read as set forth below. The proposed Appendix C would contain additional criteria for selection of applications under the program of support for Vocational Education Curriculum projects for fiscal year 1977.

(a) *Program purpose.* Section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, provides for Federally-administered grants or contracts for programs and projects for the development of curriculums for new and changing occupations, and for coordination of improvements in, and dissemination of, existing curriculum materials. The purposes of these projects are to: (1) Promote the development and curriculum materials for use in teaching occupational fields, and including those in public service; (2) Develop standards for curriculum development in all occupational fields; (3) Coordinate efforts of the States in the preparation of curriculum materials and also in the preparation of current lists of curriculum materials available in all occupational fields; (4) Survey curriculum materials produced by other agencies of Government, including the Department of Defense; (5) Evaluate vocational-technical education curriculum materials and their uses; and (6) Train personnel in curriculum development.

(b) *Other program information.* The projects are conducted under grants or contracts awarded by the Commissioner of Education, in accordance with the provisions of Part I of the Act and with the applicable Federal regulations, 45 CFR Part 103. Eligible applicants include local educational agencies, State boards for vocational education, and public and private agencies, institutions or organizations. Under departmental policy profit making applicants are eligible only for a contract.

(c) *Regulations and criteria.* Regulations for vocational education discretionary programs were published in the FEDERAL REGISTER on August 15, 1974, 39 FR 29361. Regulations published in the FEDERAL REGISTER on November 6, 1973, 38 FR 30654, relate to general fiscal and administrative provisions for all Office of Education programs. These general regulations contain general criteria for

the review of applications under Office of Education project type programs 45 CFR 100a.26 and are applicable to the programs under Part I of the Act.

In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in proposed Appendix C to the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for grants to be awarded in fiscal year 1977.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Research and Demonstration, U.S. Office of Education, 7th and D Streets, S.W., Room 5042, ROB No. 3, Washington, D.C. 20202, on or before September 23, 1976. Although it is now the practice for the Department to allow 45 days to provide an opportunity for interested persons to take part in the rulemaking process, this notice provides 30 days for the submission of written comments. In accordance with 5 U.S.C. 553(b)(3)(B), it would be impracticable and contrary to the public interest to extend the comment period beyond 30 days in view of the time constraints for completing the award-making process for FY 1977.

Comments received shall be available for public inspection at the above office, Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m. All relevant materials received not later than September 23, 1976 will be considered.

(Catalog of Federal Domestic Assistance Program Number 13.496; Vocational Education—Curriculum)

Dated: August 13, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: August 13, 1976.

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

APPENDIX C

VOCATIONAL EDUCATION CURRICULUM

FISCAL YEAR 1977

The Office of Education contemplates supporting six project grants for six curriculum coordination centers in fiscal year 1977 program. Two of these awards will be open to competition. Four will be non-competing continuations of grants made in fiscal year 1976 to (1) the Illinois Office of Education; (2) the Oklahoma State Department of Vocational and Technical Education; (3) the Washington State Commission for Vocational Education and (4) the New Jersey Department of Education.

The two new awards will be funded with a three year multi-year approval on a non-competing annual basis, beginning January 1, 1977.

The applicants will submit their project goals and activities for the three-year multi-year period. Multi-year approval is intended to offer the project a reasonable degree of stability over time and to facilitate long range planning. Approval of a multi-year project shall not commit the Office of Education to provide financial assistance from appropriations not currently available; and second and third year funding is contingent on satisfactory performance.

(a) *Awarded applicants' obligation.* One of the three-year awards will provide leadership to curriculum coordination in the Southeast area including Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. The other three-year award will provide leadership for the Western area including American Samoa, Arizona, California, Guam, Hawaii, Nevada and Trust Territory of Pacific Islands.

Each awardee will be the facilitator in enabling the States in their regional consortium:

(1) Improve their curriculum services and capabilities;

(2) Share information and plans regarding curriculum materials and needs in order to reduce duplication of efforts;

(3) Plan for cooperation in development, testing, evaluation, dissemination, reproduction and implementation of materials; and

(4) Develop and maintain intra-State liaison activities that will stimulate cooperative relationships at State and local levels.

In addition each awardee will become a member of the National Network Council for Curriculum Coordination in vocational and technical education; and as a member each awardee will:

(1) Conduct coordination, dissemination and diffusion activities in order to improve the acceptance of new curriculum products and to assess their impact;

(2) Establish and maintain a system for determining curriculum needs in vocational and technical education based on available manpower projections and the advancement of equity for girls and women in vocational education and for recommending priorities for State and national emphasis;

(3) Share information regarding materials and studies available and under development; and

(4) Provide curriculum services which will encourage the adaptation, demonstration and adoption of effective curricula and curriculum development practices in vocational and technical education in conjunction with business and labor.

The Office of Education will entertain requests for these grants to support:

(1) Communication and coordination activities with the States, the Network, and the U.S. Office of Education.

(2) Travel costs and per diem for the Center personnel to attend two meetings annually of the National Network Council for Curriculum Coordination. One of these meetings will be held in Washington, D.C.

(3) Travel costs and per diem, excluding honoraria, for State representatives to attend meetings sponsored by the center. Each of the six centers will hold a consortium meeting with their State representatives concurrently at a central U.S. location.

(b) Application review criteria. The criteria to be utilized in reviewing applications are listed below. These criteria are consistent wtih section 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, published in the FEDERAL REGISTER in 38 FR 30654 on November 6, 1973.

Segments or a segment of the application must address each criterion. Each criterion is weighted to show the maximum score that can be given to each specific criterion. Each criterion and the maximum points possible are as follows:

CRITERIA AND SCORE

(a) *Need and problems*—The application should clearly define the need for the project within the specified consortium of States and should indicate responsiveness to problems rather than symptoms. 15

(b) *Objectives*—The objectives should be clearly stated, supportive of defined needs, capable of being attained by the proposed procedures, and capable of being measured. 15

(c) *Plan*—The management plan should show functions to be performed and services to be provided; and the procedures for accomplishing each are delineated. The size and scope of the project is appropriate and is phased to the multi-year duration of the project. The proposed plan of operation should clearly describe (a) how the objectives will be undertaken and accomplished, (b) how and when personnel and resources will be utilized, (c) what, if any, in-service training connected with project services will be provided, (d) what feedback and evaluation procedures will be implemented and (e) how input from State vocational education administrators will be utilized. 20

(d) *Results*—The proposed outcomes should be identified and described in terms of (1) expected potential for their use for similar educational purposes and (2) anticipated impact at National, State and local levels, and (3) relationships to Federal/National curriculum program. Provisions should be made for disseminating the results of the project including techniques or other outputs to the consortium States and the National Network. 20

(e) *Institutional capability*—Application should clearly set forth current curriculum strengths and the capability of the applicant to immediately initiate and maintain liaison functions with consortium States. There should be evidence that adequate facilities and equipment will be provided and that participation of cooperating States has been authorized. Relationships with other dissemination, diffusion and facilitation systems, if any, should be described. 15

(f) *Personnel*—The qualifications and experience of key staff should be appropriate for the requirements of the project; specific responsibilities and time commitments should be identified for each of the key staff; and at least one key staff person should devote a minimum of 50 percent of their time to the total objectives of the project. 10

(g) *Budget*—The estimated cost should be reasonable in relation to anticipated results and the geographic area, scope, and duration of the project. Where possible anticipated costs by objectives are included. The application should also include a clear statement of cost-sharing which is substantiated by line items in the proposed budget. 5

[FR Doc.76-24768 Filed 8-23-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[29 CFR Part 97]

DEFERRED DESIGNATION OF POTENTIAL SPONSORS FOR FARMWORKER PROGRAMS

Notice of Proposed Rulemaking

The Secretary of Labor proposes to revise Title III, Section 303 regulations under the Comprehensive Employment and Training Act of 1973, as amended (hereinafter referred to as the Act), (Pub. L. 93-203, 87 Stat. 839 and Pub. L. 93-567, 88 Stat. 1845) by adding a new sentence to 29 CFR 97.215(b).

This proposed amendment is intended to clarify the Secretary's authority to defer designation of potential sponsors pending adequate time to review performance of applicants under their existing CETA section 303 grant, and, in addition, to permit applicants whose funding

requests have been rated as satisfactory by the Secretary to correct deficiencies in their current CETA Section 303 programs.

Comments on this proposed amendment will be received until September 8, 1976, after which the comments received will be evaluated, and if warranted, the proposal will be amended. Interested persons are invited to submit comments, data, or arguments to: Assistant Secretary for Employment and Training, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213, Attention: Pierce A. Quinlan, Administrator, Office of Comprehensive Employment Development.

It is proposed to amend 29 CFR 97 by amending § 97.215 as set forth below:

§ 97.215 Review of Funding Requests.

(a) * * *

(b) *Selection of potential grantees.* (1) As a result of the procedures set forth in paragraph (a) of this section, of consideration of the potential effectiveness and efficiency of the proposed programs, and of comments received pursuant to § 97.214(c), the Secretary shall designate potential grantees to receive a grant under section 303 for program operations in a designated target area. The consideration of the potential effectiveness and efficiency of the proposed programs includes but is not limited to the following: (i) cost effectiveness, and (ii) service delivery consideration.

(2) The Secretary may conditionally designate organizations as potential grantees pending resolution of their eligibility status, submission of additional documentation, or changes in the proposed program. The Secretary also reserves the right to defer designation of any organization which has submitted a Funding Request for a State or area or to invite the submission of new proposals. Such designations will be deferred pending (i) adequate time to consider performance of current CETA Section 303 applicants, or (ii) satisfactory correction of deficiencies by applicants in their current CETA Section 303 programs.

Signed this 12th day of August 1976, at Washington, D.C.

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

[FR Doc.76-24781 Filed 8-23-76;8:45 am]

[29 CFR Part 97]

USE OF FARMWORKER GRANT FUNDS TO JOIN ASSOCIATIONS

Notice of Proposed Rulemaking

The Secretary of Labor proposes to revise Title III, section 303 regulations under the Comprehensive Employment and Training Act of 1973, as amended (hereinafter referred to as the Act), (Pub. L. 93-203, 87 Stat. 839 and Pub. L. 93-567, 88 Stat. 1845) by adding a new paragraph, 29 CFR § 97.255(h).

This proposed amendment is intended to make clear that section 303 sponsors are permitted to use grant funds to join associations which serve the professional needs of section 303 program operators, and foster the exchange of technical employment and training information among such professionals; it is also intended to insure that Federal funds will not be used for lobbying or political purposes.

Comments on this proposed amendment will be received until September 23, 1976, after which the comments received will be evaluated, and if warranted, the proposal will be amended. Interested persons are invited to submit comments, data, or arguments to: Assistant Secretary for Employment and Training, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20013, Attention: Pierce A. Quinlan, Administrator, Office of Comprehensive Employment Development.

It is proposed to amend 29 CFR 97 by amending § 97.255 as set forth below:

§ 97.255 Allowable Federal Costs.

* * * * *

(h) *Association Membership.* (1) CETA Section 303 sponsors are permitted to utilize grant funds to join those associations which provide bona fide, relevant technical and administrative services in support of Section 303 program efforts. The activities of such associations must be designed to contribute to the enhancement of professional and technical program knowledge.

(2) For membership dues or other membership-related costs to be allowable, the following conditions shall be observed: (i) The association's activities shall not violate the Anti-lobbying Act, 18 U.S.C. 1913, which prohibits organizations from using Federal funds "directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote, or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation. * * *"

(ii) The association shall not violate the principles contained in the assurances set forth in the Section 303 sponsor grant package regarding restrictions against political activities for Federal grantees.

(iii) Those organizations substantially involved in lobbying are inappropriate selections for membership by CETA Section 303 sponsors. (See 41 CFR 1-15.711-19.) However, affiliated associations which are offshoots of such lobbying organizations, and whose only activity is to foster information exchanges and professional growth, may be appropriate selections for membership, if it can be demonstrated that their activities are separate from the parent association, and that the affiliate asociation does not contribute to the support of the parent organization.

(3) Sponsors wishing to utilize grant funds for membership in associations must obtain the prior approval of the Secretary before initiating membership procedures. Sponsors should submit documents which show that the association meets the conditions set forth in this paragraph 97.255(h), as well as budget information detailing the sponsor's proposed costs related to the proposed membership.

(4) Sponsors who seek to join an association shall submit (or cause the association to submit) to the Secretary a copy of the corporate charters, bylaws, constitution, or any other pertinent official document which explains the purpose of the association and demonstrates that the association will not be involved in activities which would violate the standards set forth in this paragraph 97.255(h). In the case of an association that is affiliated with an organization which conducts lobbying or political activities, the documentation must demonstrate that the activities of the association to be joined are separate from those of the affiliated organization.

(5) When the use of grant funds for membership in an association has been approved by the Secretary for one Section 303 sponsor, the Secretary will announce the approval and it will thereafter be unnecessary for any other 303 sponsor to submit the documentation required by paragraph (4) above. Each Section 303 sponsor must, however, receive written authorization from the Secretary before joining an approved association.

(6) Sponsor reviews will be conducted by the Secretary to determine that the purposes of such memberships are being carried out, and that program and operations are thereby enhanced.

(7) The cost shall be for Section 303 membership rather than an individual person's membership.

(8) The cost of the membership shall be reasonably related to the value of the services or benefits received. Sponsors are authorized to use up to one-tenth of one percent of their respective Section 303 allocations annually, with a maximum of $750.00 for association-related costs.

(9) Association-related costs shall be incorporated in the sponsor's Section 303 grant budget, charged to the administration category, and as such, shall be subject to the standard 20 percent overall grant administrative cost ceiling.

Signed this 12th day of August, 1976, at Washington, D.C.

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

[FR Doc.76-24782 Filed 8-23-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 603-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Implementation Plan

• The purpose of this notice is to announce receipt of proposed revisions to the Oregon State Implementation Plan and to invite public comment as to whether these revisions should be approved by the Administrator of EPA. •

On August 1, 1975, the State of Oregon Department of Environmental Quality (DEQ) submitted, for EPA's approval, revisions to the Oregon plan relating to open field burning. The revisions include the section of the Oregon Revised Statutes relating to field burning, ORS 468.450 through 468.485, passed by the regular session of the 1975 Oregon Legislative Assembly, and a revised regulation for agricultural burning, Oregon Administrative Rules (OAR), Chapter 340, 26-005 through 26-025. In addition, on February 1, 1976, the DEQ submitted further revisions to OAR 26-005 through 26-025 for EPA's approval. The revisions to the OAR, Chapter 340, 26-005 through 26-025 were made after proper notice was given and public hearings were held in accordance with 40 CFR 51.4.

The area most affected by field burning, the Eugene Air Quality Maintenance Area (AQMA), attained primary ambient air quality standards in 1975 at all monitoring stations except one. That station is felt to be unduly influenced by other nearby sources of particulate matter unrelated to field burning. The station will be subject to further evaluation before a final decision is made on the proposed revisions. On May 19, 1976, the Director of the DEQ submitted a request for the extension of the May 31, 1975 attainment date for meeting the national secondary ambient air quality standards for particulate matter in the Eugene AQMA to May 31, 1978. The request was made as a result of the action of the 1975 Oregon Legislature extending open field burning in the Willamette Valley.

The stautory provision relating to open burning which was approved as part of the Oregon plan in May 1972 banned open burning in the Willamette Valley of Oregon as of January 1, 1975. The revised statute, ORS 468.475, lifts the ban on open field burning and replaces it with a program to reduce the number of acres burned each year until 1978. In 1978, and each year thereafter, up to 50,000 acres may be burned annually, depending on several factors, including the availability of alternative methods of field sanitation. On June 28, 1976 a suit was filed in the Circuit Court of Marion County of the State of Oregon contending that the action by the 1975 Oregon Legislative Assembly to limit the number of acres to be burned is unconstitutional. (*Roy A. Bowers and Son, Inc., et.al.* v. *State of Oregon, Case No. 94173*).

In addition, the statute gives authority to the Oregon Environmental Quality Commission to: (1) Prohibit or limit, by rule, the amount of burning conducted; (2) adopt rules which will provide for a more rapid phase reduction in certain areas; (3) consult with other interested agencies before establishing any regulations; (4) establish emission standards for certified alternative methods to open field burning; and (5) establish the number of acres which can be burned each year.

Under the revised field burning program, each year applicants register the amount of acreage they wish to burn. The number of acres registered are totaled, after which the Environmental Quality Commission conducts hearings and determines the acreage allocation to be burned in that year. Permits to burn are issued by the Department which are not valid until a burning fee established by the legislature has been paid and a validation number has been assigned by the local fire district. The validation numbers are assigned only on days that meteorological conditions are satisfactory to burn a certain number of acres. The DEQ is responsible for enforcing the field burning rules adopted by the Commission and monitoring and preventing unlawful field burning.

The rules of the Department of Environmental Quality (OAR, Chapter 340, sections 26-005 through 26-025) as submitted on August 1, 1975 were revised to meet the requirements of ORS 468.450 through 486.485. The revisions submitted in February 1976 added a new section on certified alternatives to open field burning which includes emission standards for pilot field sanitizers approved by the Field Sanitation Committee and the Department of Environmental Quality.

The Administrator is required by Section 110 of the Clean Air Act to approve or disapprove any revision to an implementation plan submitted by a State. Public comment is invited on whether the revisions to Oregon's statutory authority and regulations for the control of open field burning and their request for extension of the attainment date for secondary particulate matter standards should be approved or disapproved as revisions to the State Implementation Plan. Copies of the proposed revisions are available for public inspection during normal business hours at these locations:

State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW, Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: K. Higley. Relevant comments postmarked on or before September 23, 1976, will be considered and will be available for public inspection at the above address.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5))

Dated: August 9, 1976.

DONALD P. DUBOIS,
Regional Administrator.

[FR Doc.76-24703 Filed 8-23-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Change in Date for Prospective Witnesses at Washington, D.C. Hearing To Notify Commission of Their Expected Testimony

On May 25, 1976 the Presiding Officer published in the Federal Register (41 FR 21368) a Notice of Change of Dates for the Washington, D.C. Hearings on Proposed Trade Regulation Rule. In that Notice, the date for hearings in Washington, which had been set to commence on June 7, 1976, was changed to November 15, 1976 and the deadline for witnesses planning to testify at those hearings to notify the Commission representative of their intent was September 21, 1976.

That deadline has been extended to October 25, 1976. Therefore, persons desiring to orally present their views in Washington, D.C. should so inform the Commission representative listed below no later than October 25, 1976:

Ms. Lois Dimore [202-724-1489], Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Prospective witnesses are reminded that when they intend to deliver statements not fully prepared and submitted in advance, they must file with the designated representative a detailed and comprehensive written outline or summary explaining the nature of their anticipated testimony, including, but not limited to, a statement of each fact, observation, opinion or conclusion which they expect to present. The Presiding Officer has the discretion to deny the right to present oral testimony to any person who fails to comply with this requirement.

Issued: August 19, 1976.

WILLIAM D. DIXON,
Presiding Officer.

[FR Doc.76-24725 Filed 8-23-76;8:45 am]

POSTAL SERVICE

[39 CFR 775]

ENVIRONMENTAL STATEMENT PROCEDURES

Revision of Procedures

This document gives notice of a proposed complete revision of part 775 of title 39, Code of Federal Regulations, dealing with Environmental Statement Procedures. The primary purpose of the revision is to update and clarify the regulation. In addition, certain obsolete provisions have been deleted, such as the provisions dealing with the Corps of Engineers in present § 775.12 and .13.

Any persons interested in these revised procedures may participate in this proposed rulemaking by submitting written data, views, or arguments on the proposed revision to the Assistant Postmaster General, Real Estate and Building Department, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, on or before September 27, 1976. Although exempt from the Administrative Procedure Act requirements, 5 U.S.C. 553(b), (c) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service proposes and invites public comment on the following amendment.

W. ALLEN SANDERS,
Assistant General Counsel.

In 39 C.F.R., Part 775 would be revised to read as follows:

PART 775—ENVIRONMENTAL STATEMENT PROCEDURES

Sec.

775.1 Purpose and policy.
775.2 Definitions.
775.3 Responsibilities.
775.4 Determining actions for which EIS must be prepared; actions to be assessed.
775.5 Preparation and use of environmental assessment; negative declaration.
775.6 Preparation and use of environmental impact statement.
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775.9 Public information.
775.10 Lists of environmental determinations.

Appendix I—Initial environmental assessment subject matter content.
Appendix II—Expanded environmental assessment outline.
Appendix III—Format of cover for environmental impact statements.
Appendix IV—Suggested outline for summary and conclusion to go at beginning of environmental impact statements.

775.1 Purpose and policy.

(a) These regulations prescribe the procedures to be followed in implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), hereinafter referred to as NEPA; Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality" (35 FR 4247); and the Guidelines issued by the Council on Environmental Quality (CEQ) for preparing Environmental Impact Statements, hereinafter referred to as the CEQ Guidelines (40 CFR 1500). In addition, by directing the use of Environmental Impact Statement procedures in such manner as to help achieve the goals and objectives of the laws and directives listed below, these regulations serve to implement partially, the following laws and directives: section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environment" (36 FR 8921); the procedures of the Advisory Council on Historic Preservation for the protection of historic and cultural properties (36 CFR 800); Title IV of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231–4233); Office of Management and Budget Circular No. A–95 Revised, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" (41 CFR 2052).

(b) Insofar as practicable and consistent with the public interest, fulfillment of the mission of the Postal Service and of economic and technical factors, Postal Service programs and actions shall be planned, initiated, and carried out in a manner to avoid adverse effects on the quality of the human environment. When this is not feasible, all reasonable measures shall be taken to mitigate any adverse environmental impact of the actions. This general policy will be implemented in accordance with the following:

(1) As early as practicable in the planning phase of every action to be assessed for environmental impact (see 775.4(a)-(3) below), the relevant A–95 Clearing houses, and through them, all affected State, areawide, and local agencies which are authorized to develop and enforce environmental standards, shall be informed with regard to plans for the proposed action and shall be afforded an adequate opportunity to review and comment on the proposed action. Any comments of such agencies will accompany the environmental assessment and, if any, the environmental impact statement, through the subsequent decision making processes.

(2) An environmental assessment shall be made as early as practicable in the project planning phase of every action to be assessed and shall be evaluated continually during development and after completion of the facility specification. This assesment will include an analysis of whether the proposed action will affect significantly the quality of the human environment and whether practical alternatives exist which might have less impact on the environment. The assessment, depending upon its results, will either support a negative declaration or require a detailed environmental impact statement. Such assessment, negative declarations, and environmental impact statements shall be prepared and processed pursuant to the guidance contained herein.

(3) The Postal Service will consider its proposed actions in relation to those of other agencies. If the Postal Service is the principally concerned, or "lead agency," and one or more other agencies have partial responsibility for the action, the other agencies shall be requested to furnish to the responsible Postal Service official such information as may be necessary to prepare a suitable and complete environmental impact statement. If another agency is the "lead agency," the full cooperation of the Postal Service shall be given to that agency.

(4) Appropriate alternatives to recommended courses of action shall be developed and described in any proposal which involves unresolved conflicts concerning alternatives uses of available sources.

(5) The Council on Environmental Quality shall be informed of proposed project environmental considerations as prescribed herein.

775.2 Definitions.

(a) "Environmental Assessment" is a documented evaluation process used to determine whether a proposed action is a major Federal action significantly affecting the quality of the human environment.

(b) "Negative Declaration" is a written description of a proposed action and its expected environmental impact, based on an environmental assessment, which contains a statement of the conclusion that the proposed action is not a major action significantly affecting the quality of the human environment. All bases for the conclusion shall be set out in the Declaration.

(c) "Environmental Impact Statement" (EIS) is a report which responds to the requirements of section 102(2)(C) of NEPA, and identifies and analyzes in detail the environmental effects of a proposed action and of alternatives to the proposed action. An EIS normally will be prepared and circulated in draft (DEIS) and final (FEIS) form.

(d) Relevant A–95 Clearinghouse(s) are the State and areawide Clearinghouses(s) listed in OMB Circular No. A–95 (revised) Clearinghouse Directory for the geographical area in which the Postal Service action is to take place. (OMB through its Circular No. A–95 (revised) established this system of Clearinghouses to facilitate intergovernmental cooperation.) The relevant Clearinghouses are to be informed of each reporting milestone throughout the impact review process.

(e) The "Responsible Official" who will supervise the preparation of Environmental Assessments and Environmental Impact Statements, and will sign Declarations of Negative Impact, shall be the Assistant Postmaster General, Real Estate and Buildings Department, with regard to Major Facilities and the Director of the Regional Real Estate and Buildings Department with regard to facilities delegated to that region. The Responsible Official may delegate these responsibilities to the extent that he deems advisable.

775.3 Responsibilities.

(a) The Responsible Official is required, in accordance with these regulations to perform the following:

(1) Prepare an initial environmental assessment of each proposed action to be assessed for environmental impact (see 775.4(a)(3) below), utilizing the format set out in Appendix I of these regulations.

(2) Give written notice to the relevant A–95 Clearinghouses furnishing location and scope of each project being assessed, and requesting comment. As each such project continues, he shall give written notice of the preparation of a negative declaration or of draft and final environmental impact statements, furnishing copies.

(3) Assemble all necessary environmental assessment information for each proposed action, evaluate the initial environmental assessment continually during the planning phase of a project, and prepare an expanded environmental assessment whenever the degree of complexity of the project requires it, following the outline set out in Appendix II of these regulations.

(4) Prepare either a negative declaration or the draft and final impact statements as required in accordance with the provisions of this document.

(5) Forward to the Assistant Postmaster General, Real Estate and Buildings Department, when made, each determination to make an environmental impact statement and each negative declaration. (See 775.10(c) below.)

(6) Maintain environmental files of Postal Service contemplated actions; include in these files all environmental assessments, and environmental impact statements.

(7) Distribute, and transmit to CEQ, copies of draft and final environmental impact statements in accordance with 775.7 and 775.8 below.

(8) Determine the necessity for, arrange for, and conduct public hearings following issuance of a DEIS on a proposed action.

(9) Prepare final environmental impact statements (FEIS) and evaluate each major action in the light of DEIS comments received from Federal, State and local entities, private organizations and individuals.

(10) Forward copies of FEIS to appropriate internal groups, agencies, or community organizations and/or individuals from whom comments were received.

(b) The Department of Communications and Public Affairs, subject to approval by the Responsible Official, will issue all press releases, and will coordinate on official answers to public inquiries of major interest or policy significance.

775.4 Determining actions for which an EIS must be prepared; actions to be assessed.

(a) Types of Actions Covered—

(1) Proposals for Legislation. An Environmental Impact Statement shall be included in every recommendation or favorable report on proposals initiated by the Postal Service for legislation that has environmental significance or may be environmentally controversial. It is determined in this regard that the Postal Service heretofore has not initiated proposals for types of repetitive legislation requiring environmental impact statements, and that the initiation of such proposals in the future is not foreseen. Where legislative scheduling with regard to a proposal that is environmentally significant or controversial does not permit compliance with the normal EIS procedures and waiting periods provided for herein, a draft environmental statement may be furnished to the Congress and made available to the public pending subsequent transmittal of comments, as received, and the text of a final statement when completed. Where additional recommendations, comments, or reports are submitted on a proposal concerning which an EIS already has been submitted, a new EIS is not required; if new environmental issues are raised, however, the existing EIS shall be supplemented.

(2) Regulations and Procedures. An Environmental Impact Statement shall be included in every promulgation of rules, regulations, procedures and instructions having significant environmental consequences.

(3) Projects and Program Activities. Environmental Impact Statements normally are not required for the principal types of projects and program activities undertaken by the Postal Service. An occasional individual postal facility project is environmentally controversial, however, and a small number of such projects have been determined to have environmental effects of sufficient significance to warrant the preparation of Environmental Impact Statements. Accordingly, a documented environmental assessment shall be made of each proposed project and program of a type listed below, and a determination shall be made as to whether each such proposed project or program is a major action significantly affecting the quality of the human environment:

(i) Acquisition of postal space, whether by direct construction or lease construction, or by purchase, lease, or condemnation of existing buildings or improvements.

(ii) Modernization, improvement, or alteration of existing facilities where the external configuration is changed substantially, or the postal mission is changed significantly.

(iii) Use of Postal Service property by others, through permit, lease, license, or other arrangement, resulting in a signification change in usage of the property.

(iv) Any proposed action which is, or is likely to be, environmentally controversial.

(b) Identifying Major Actions Significantly Affecting the Environment. The Responsible Official must exercise sound judgment based on a thorough assessment and an evaluation of all relevant factors including the following:

(1) Cumulative Impact. The overall, cumulative impact of the proposed action, actions of other Federal agencies planned or taking place in the area, further Postal Service actions contemplated or foreseeable, and other developments taking place in the area, must be considered. If it is reasonable to anticipate a cumulatively significant impact on the environment from Federal actions in the area, an EIS probably should be prepared.

(2) Controversy. If the environmental impact of a proposed major action is likely to be highly controversial, an EIS should be prepared.

(3) Adverse Significant Effects. Adverse significant effects include those that—

(i) substantially degrade the quality of the environment;

(ii) curtail the range of beneficial uses of the environment such as by making irreversible and irretrievable commitments of resources;

(iii) serve short-term, to the disadvantage of substantial long-term, environmental goals; and

(iv) may be localized in their effect, but nevertheless have a decidedly harmful environmental impact.

(4) Beneficial and Detrimental Effects. Significant effects can include those which result from actions having both beneficial and detrimental effects even if, on balance, it appears that the net effect will be beneficial.

(5) Environmental Setting. The significance of a proposed action may vary with its setting. An action that might have little impact in a large city may be significant in a small-town, rural, or suburban setting, and vice versa.

(6) Secondary Effects. Secondary, as well as primary, effects of a proposed action may be significant. Many major Federal actions stimulate or induce secondary effects in the form of new investments and changed patterns of land-use and social and economic activity. Such secondary effects, through their impacts on existing community facilities and activities, through inducing new facilities and activities, or through changes in natural conditions, may be more significant than the primary effects of the original proposed action.

(7) Environmental Subject Areas. The assessment of significance shall take into account both direct and indirect effects in the following (among others) environmental subject areas:

(i) Water, air and noise pollution, undesirable land use patterns, solid waste disposal, pesticide and herbicide use, transportation and handling of hazardous materials;

(ii) Changes in population distribution, and the effects of such changes on urban congestion (including vehicular traffic), water supply, sewage treatment facilities, other public services, and human health, safety, and welfare;

(iii) Ecological systems such as wildlife, fish, and other marine life; and

(iv) The effects of construction, alteration, demolition, and real property disposal on the preservation and enhancement of historic, cultural, aesthetically pleasing, and healthful surroundings.

775.5 Preparation and use of environmental assessment; negative declaration.

(a) The environmental assessment shall be evaluated as part of the decision making process. It is the basis for judgment by the "Responsible Official" as to whether or not a proposed action is a major Federal action significantly affecting the quality of the human environment. It is of utmost importance that the assessment be complete, giving the decision maker a clear picture of existing and projected environmental conditions relevant to the proposed action and an evaluation of possible and probable effects, primary and secondary, beneficial or adverse, of that action and

its practical alternatives. The environmental assessment is to be prepared by the responsible organization encompassing all phases of a proposed action and examining its effects on the environment.

(1) The environmental assessment will contain the information from the Postal Service's evaluation of available sites, an analysis of the consequences of the proposed action, alternatives to the proposed action, comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, written responses resulting from the A-95 Clearinghouse notification, and comments of local citizens and officials. Every attempt should be made to insure that appropriate contacts are made to obtain the most complete data base for determining the environmental effects of the proposed action.

(2) The environmental assessment is to be prepared as directed by the Responsible Official utilizing the format set out in Appendix I, and following the outline set out in Appendix II, of these regulations.

(b) Negative Declaration. If the environmental assessment indicates that a proposed action is not a major Federal action significantly affecting the quality of the human environment, the Responsible Official shall prepare and sign a negative declaration to that effect. The declaration must state that a review of all environmental factors has been completed and the determination, based on the assessment, has been made that the proposed action is not a major Federal action significantly affecting the quality of the human environment (including effects on historic properties and places). Copies of the environmental assessment and the negative declaration shall be placed in the project environmental file, available on request for public review.

775.6 Preparation and use of environmental impact statements.

Whenever it is determined, based on an environmental assessment, that a proposed action is a major Federal action significantly affecting the quality of the human environment, a detailed environmental impact statement shall be prepared at the earliest feasible point in the development of the proposal, and shall be included in every subsequent recommendation or report on the proposed action. Each such statement must reflect that the particular economic and technical costs and benefits of the proposed action have been assessed and weighed against the environmental costs and benefits. Environmental Impact Statements shall be prepared in final form (FEIS) based on a draft environmental impact statement (DEIS) and a responsive evaluation of comments on the DEIS received from Federal, State, and local governmental agencies and the public.

(a) Early Public Notice. As soon as practicable after a decision is made to prepare a DEIS, public notice shall be given, and comments invited, by publication in the FEDERAL REGISTER and a local newspaper and by posting a notice on the bulletin boards of all postal facilities located in and adjacent to the area of potential environmental impact.

(b) Environmental Impact Statements should contain:

(1) A description of the proposed action its purpose and setting, including information, summary technical data, and maps and diagrams where pertinent, adequate to permit an assessment of potential environmental impacts of the proposed action by commenting agencies and the public. Highly technical data and analyses should be confined to appendices. The amount of detail provided should be commensurate with the size and expected impact of the proposed action. Population and growth characteristics of the affected area shall be included. The sources of data used shall be included. The sources of data used shall be expressly noted.

(2) The probable impact of the proposed action on the environment. Both primary, or direct, and secondary, or indirect, impacts on the environment shall be included in the analysis. The probable effects of the proposed action and its alternatives on population distribution shall be included, and also an analysis of the effect of any anticipated change in population and employment patterns upon the resources of the area, including land use, water supply, public services, and traffic.

(3) A brief discussion summarizing in one place any probable adverse environmental effects that cannot be avoided should the proposal be implemented such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environment. A statement should be included of how avoidable or mitigable adverse effects will be mitigated or avoided.

(4) An evaluation of the environmental impacts of alternatives to the proposed action. Section 102(2)(D) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous explanation and objective evaluation shall be made of the environmental impacts of all reasonable alternative actions, particularly those that might avoid or mitigate some or all of the adverse environmental effects. An analysis of such alternatives and their environmental benefits, costs, and risks shall accompany the proposed action through the agency review process so as not to foreclose prematurely consideration of options which might have less detrimental effects. The analysis should be sufficiently detailed to present a comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

(5) A brief discussion of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This requires evaluation of the extent to which the proposed action involves trade-offs between short-term environmental gains and long-term losses, or vice versa, and it should contain a discussion of the extent to which the proposed action forecloses future options.

(6) A description of any irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented. This includes a statement of the extent to which the action irreversibly curtails the range of potential uses of the environment.

(7) An indication of economic, service, operational, working conditions, and other requirements and considerations of postal policy determined to offset or override any adverse environmental effects that have been identified. This discussion should also indicate the extent to which these countervailing benefits could or could not be realized by adopting identified alternatives to the proposed action that would avoid or mitigate some or all of the adverse environmental effects of the proposed action. If a cost-benefit analysis of the proposed action is prepared, it should be attached to the Statement and an indication should be given in the Statement of the extent to which environmental costs were considered in the cost-benefit analysis.

(8) A discussion of the relationship of the proposed action to the development plans and programs of the State, areawide, and local governments for the area in which the action is to take place. This should include a discussion of how the proposed action may conform to or conflict with Federal, State, areawide, and local land-use policies, plans, and controls and with current pollution limitations and compliance schedules duly adopted and approved pursuant to the Clean Air Act, the Federal Water Pollution Control Act, and the Noise Control Act of 1972, as the same may be amended from time to time. Where a conflict or inconsistency exists, a description should be included of the extent to which the proposed action has been reconciled or harmonized with the above plans, programs, policies, controls, limitations, and schedules, and the reasons should be given why the determination has been made to proceed notwithstanding the absence of full reconciliation.

(c) Prior to issuing either a draft or final EIS, the Responsible Official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. This shall include the Environmental Protection Agency in every case. (See 775.7(b)(1), below, with respect to historic preservation requirements.)

(d) Environmental impact statements shall be prepared with a cover and a summary and conclusions section. (See Appendices III and IV.)

775.7 Distribution and review of draft environmental impact statements.

(a) Transmittal to Council on Environmental Quality. As soon as a DEIS is prepared, 10 copies shall be transmitted to the Council on Environmental Quality.

(b) Distribution. DEIS's shall be distributed to:

(1) Federal agencies previously consulted or having jurisdiction by law or special expertise with respect to any environmental impact involved, which shall include the Environmental Protection Agency in every case, and the Advisory Council on Historic Preservation whenever a property that is included in or eligible for inclusion in the National Register of Historic Places is located within the area of the proposed action's potential environmental impact (This requirement is in addition to, and not in substitution for, the requirements of section 106 of the National Historic Preservation Act of 1966 and the Procedures for the Protection of Historic and Cultural Properties adopted by the Advisory Council on Historic Preservation.);

(2) Appropriate State and local agencies which are authorized to develop and enforce environmental standards, and State and areawide clearinghouses established pursuant to OMB Circular No. A-95 for the purpose of facilitating cooperation between the Federal Government and State and local governments (This requirement is in addition to, and not in substitution for, the requirements of section 401 of the Intergovernmental Cooperation Act of 1968 and of OMB Circular A-95, Part II, providing for coordination of direct Federal development projects at the earliest practicable stage with State, areawide, and local development plans and programs.); and

(3) Private organizations and individuals that request an opportunity to comment. In order to facilitate comment by private organizations and individuals, the availability of draft environmental statements shall be announced by publication of a notice in a local newspaper and by posting on the bulletin boards of all postal facilities located in and adjacent to the area of potential environmental impact.

(c) Timing. It is important that the DEIS be prepared and circulated for comment as early as possible in the project planning and review process in order to permit Postal Service decision makers and outside reviewers to give meaningful consideration to the environmental effects involved. Postal Service officials should keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed actions rather than as a justification for decisions already made. The preparation of reports through the final EIS, including required periods for review and comment must be completed before the project planning and design is finalized.

(d) Review periods.

(1) A minimum of 45 days shall be allowed for comment on a DEIS, after which it may be presumed that no person or agency has any comment to make, unless an agency or person requests an extension of time to reply. In determining whether to grant a requested extension of time, and for how long, responsible officials shall consider the magnitude and complexity of the statement and the extent of citizen interest in the proposed action, as well as the Postal Service's schedule requirements.

(2) To the maximum extent practiable, administrative action subject to EIS requirements is not to be taken sooner than 90 days after the DEIS has been circulated, furnished to the CEQ and (except where public disclosure will result in significantly increased costs of procurement) made available to the public, and is not to be taken sooner than 30 days after the FEIS (including comments thereon) has been made available to the Council, commenting agencies and the public. The foregoing periods of 90 and 30 days may, but normally should not, run concurrently. Subject to the possible need for recirculating the statement for the appropriate period in cases of significant substantive change, a DEIS or FEIS may be supplemented or amended at any time.

775.8 Preparation and distribution of final environmental impact statements.

(a) Preparation. All substantive comments received on a DEIS shall be attached to the FEIS, except that where comments are received from a large number of single individuals, syntheses of their comemnts together with the names of the individuals whose comments are so synthesized may be attached in lieu of attaching each individual comment. A meaningful reference shall be made in the FEIS to any responsible and cogent opposing view not adequately discussed in the DEIS, indicating the Postal Service's response to the issues raised.

(b) Transmittal to Council on Environmental Quality. As soon as an FEIS is prepared, 10 copies (together with the substance of all comments received) shall be transmitted to the Council on Environmental Quality.

(c) Distribution. A FEIS, with comments attached, shall be sent to the Environmental Protection Agency, to each Federal, State, and local agency and private organization that made substantive comments on the DEIS, and to each individual who requests a copy.

775.9 Public information.

(a) Public Hearings. The Responsible Official should arrange for a public hearing following distribution of a DEIS when he determines it appropriate in accordance with the criteria set out in subparagraph (b) below. In such event, the DEIS shall be made available to the public at least 15 days prior to the hearing date. A written notice of the time, date, and place of the hearing shall be sent to all appropriate Federal, State, and local Government entities (including State and Areawide Clearinghouses) and to all private organizations and individuals known to be interested. In addition, copies of the notice should be posted in appropriate public places including postal facilities in and adjacent to the area and at any known site or sites of a proposed construction project; copies of the notice should also be sent to the local newspaper. The DEIS may be used as an outline for the conduct of discussions. If, upon conclusion of the hearing, it appears that some elements of controversy remain unresolved, the submission of written comments should be solicited. Following the public hearing, a summary of the issues discussed, the major points raised by witnesses, and other significant aspects of the hearing shall be prepared. If the Responsible Official deems it appropriate, he may append this summary to the FEIS.

(b) In deciding whether to hold a public hearing the Responsible Official should consider the following factors.

(1) The magnitude of the proposed project in terms of cost, size, geographic area affected, traffic generation, and the like;

(2) The degree of known public interest in the proposed project and significance of requests for a hearing;

(3) The complexity of issues that attend the proposed project and the likelihood that information will be presented at the hearing that will be of assistance;

(4) The extent to which public involvement has already been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and the submission of written comments during prepartion of the DEIS.

775.10 Lists of environmental determinations.

(a) There shall be maintained and kept current in the Real Estate Buildings Department in USPS Headquarters:

(1) a list of proposed projects for which Environmental Impact Statements are being prepared; and

(2) a list of proposed actions regarding which a determination has been made not to prepare an Environmental Impact Statement although—

(i) the action is similar to a significant number of Postal Service actions for which Statements have been prepared, or

(ii) it had been announced previously that a Statement would be prepared, or

(iii) the preparation of a Statement had been requested by the Council on Environmental Quality.

(b) Both of the above lists shall be updated and transmitted quarterly by the designated office to the Council on Environmental Quality and shall be made available for public inspection on request. With regard to any negative determination described in (a)(2) above, a publicly available record shall be maintained containing a brief statement of the reasons for the determination.

(c) So that the designated Headquarters office may perform its duties prescribed above in this 775.10, each Responsible Official shall furnish that office, on a current basis, the following:

(1) a brief description of each proposed project for which the preparation of an Environmental Impact Statement has been or is about to be commenced;

(2) notice of any abandonment or discontinuance of, or significant change in, any proposed project for which an EIS is, or was, being prepared;

(3) a copy of each DEIS and each FEIS; and

(4) a copy of each negative determination described in (a)(2) above, which shall contain or be accompanied by a statement of the reasons for the determination.

APPENDIX I.—*Initial environmental assessment subject matter content*

	Effect on environment			
	None	Moderate and/or temporarily detrimental	Permanently detrimental	Beneficial
I. Evaluation of effect upon location:				
A. Topography and geology:				
1. Relief and surface characteristic changes				
2. Presence of faults and/or joints				
3. Surface strata and underlying bedrock				
4. Subsurface mineral deposits				
B. Hydrology and water quality:				
1. Effect on local ground water and water table				
2. Drainage patterns of stor n drains and creeks				
C. Land and water resources:				
1. Effect on adjacent residential development				
2. Creation of limited use land area				
3. Effect on adjacent streams or lakes				
4. Effect on industrial potential				
5. E fect on land use patterns				
, Historical and archeological:				
1. Effect on archeological salvage				
2. Effect on historic places, sites or monuments				
(a) Review by State historic preservation officer				
E. Fish and wildlife:				
1. Alteration of wildlife habitat				
2. Effect on rare or endangered species				
3. Effect on fish and other water related biota				
F. Botanical:				
1. Removal of or damage to trees, shrubs and other vegetation.				
2. Effect on rare or endangered species				
3. Effect on adjacent vegetation				
G. Air quality and sound control:				
1. Air pollution and atmospheric discharges				
2. Created noise levels				
3. Noise abatement				
II. Evaluation of effect upon existing public service:				
A. Lock box service				
B. Finance service				
C. Delivery service				
D. Accessibility and parking				
III. Evaluation of effect upon employees:				
A. Transportation—availability of public transportation, travel times, and cost.				
B. Housing and essential community services				
C. Public food service, its availability and proximity				
D. Medical service—proximity of hospitals, physicians, ambulance service, public health service.				
E. Employee safety as it might be jeopardized by hazardous conditions at the points of ingress and egress from or to the site.				
F. Working conditions				
G. Operational productivity				
H. Relocation				
IV. Evaluation of effect on socioeconomic conditions:				
A. Relocation of residential dwellings				
B. Effect on local employment				
C. Effect on public health and well-being				
D. Relocation of public utilities				
E. Urban congestion				
F. Alternation of traffic patterns				
G. Effect on population trends				
V. Conclusion/summary: Using items listed above as a table of contents, prepare a narrative explanation for each particular evaluation.				

APPENDIX II

EXPANDED ENVIRONMENTAL ASSESSMENT OUTLINE

I. Summary
II. Environmental setting without action:
  1. Physical Environment (Geology)
  2. Biological Environment (Ecology)
  3. Cultural Environment (Demographic)
III. Proposed Action
  Description
  Environmental Effects
IV. Conclusions
  Focus on the significant impacts, the chosen alternative, its mitigating effects and the need for a negative declaration or an Environmental Impact Statement.

APPENDIX III—FORMAT OF COVER FOR ENVIRONMENTAL IMPACT STATEMENTS

DRAFT (FINAL) ENVIRONMENTAL IMPACT STATEMENT

Descriptive Title of Project

UNITED STATES POSTAL SERVICE REAL ESTATE AND BUILDINGS DEPARTMENT

APPENDIX IV—SUGGESTED OUTLINE FOR SUMMARY AND CONCLUSIONS SECTION TO GO AT BEGINNING OF ENVIRONMENTAL IMPACT STATEMENTS

PROJECT TITLE

SUMMARY AND CONCLUSIONS

Name, address, and telephone number of the individual at the Postal Service who can be contacted for additional information.

1. Brief description of action indicating project purpose, scope, and location.
2. Summary of environmental impact and adverse environmental effects.
3. Summary of alternatives considered.
4. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
5. Dates draft statement and final statement made available to the Council on Environmental Quality and the public.

[FR Doc.76-24642 Filed 8-23-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parte 1125]

[Ex Parte No. 293 (Sub-No. 2]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Supplemental Notice of Proposed Rulemaking and Order

Section 205(d)(6) of the Regional Rail Reorganization Act of 1973 (the RRR Act), 45 U.S.C. 715(d)(6), as amended by section 309 of the Rail Revitalization and Regulatory Reform Act of 1976 (the Rail Act), Pub. L. 94-210, directs the Rail Services Planning Office (the Office) of the Interstate Commerce Commission (the Commission) to:

* * * determine and publish, and from time to time revise and reissue, standards for determining (A) the "revenue attributable to the rail properties", (B) the "avoidable costs of providing service", (C) a "reasonable return on the value", and (D) a "reasonable management fee", as those phrases are used in section 304 of this Act [as amended by Section 804 of the Rail Act], after a proceeding in accordance with the provisions of section 553 of title 5, United States Code.

The Office first issued standards on July 1, 1974 for computing subsidies for the continuation of rail freight service in the Northeast-Midwest Region (39 FR 2429). After field testing, revised standards were published January 8, 1975 (40 FR 1624). They have since been amended on March 28, 1975 (40 FR 14186); January 22, 1976 (41 FR 3402); and March 26, 1976 (41 FR 12836).

During recent months, the Office has received several requests to reopen this proceeding to consider amendments to the standards. The Office is apprising the public through this notice of those areas in which requests have been made for modification and of other areas where the Office itself believes there may be a need for modification. The public is encouraged to study the discussion and to submit statements containing views and arguments in support of, or in opposition to, the suggested changes.

DISCUSSION

Passenger train revenues and costs. The Office has issued regulations, effective August 3, 1976, for determining commuter rail service continuation subsidies and emergency operating payments in the Northeast-Midwest Region (41 FR 32545). Consequently, the Office proposes to amend the regional freight standards to make it clear that revenues, costs and return on the value of properties covered by the commuter standards will be excluded from the regional freight standards.

Revenues from bridge and overhead traffic. The Office proposes to revise the method of calculating revenues derived from traffic carried over a subsidized branch but not originating or terminating on the branch. Such traffic includes bridge traffic, which passes over the branch line as a route between two lines of the same carrier, and interchange traffic which is exchanged with another railroad at a point on the branch. With regard to bridge traffic, the Office wants to stress that the parties are not bound by the mileage apportionment in the standards but are free to negotiate a mutually acceptable useage charge. The Office proposes to handle interchange traffic as if it actually originated or terminated on the branch. The present standards assign interchange (overhead) revenues to the branch on the ratio of miles moved on the branch to miles moved on the system. The proposed standard would attribute interchange revenues directly to the branch.

Off-Branch Costs—Class II railroads. The annual report of Class II railroads (Form R–2) does not contain expensive categories and service units in sufficient detail to compute off-branch costs in the manner presently prescribed. Therefore, the Office proposes to amend the standards by adding a new procedure for calculating the off-branch cost of Class II railroads which operate branch lines under subsidy. The method which the Office is proposing uses revenue gross ton-miles as the basis of assigning off-branch costs. Under this method, the total operating expenses, rents and taxes, excluding federal income taxes of the carrier, would be multiplied by a 3 year composite variability factor for all Class I railroads, and this amount would be divided by the system total revenue gross ton-miles. This unit cost would be applied to the total revenue gross ton-miles accumulated by branch line traffic moving over other portions of the Class II carrier's system.

The initial composite variability factor, based on the years 1972–74, would be .78; this factor would be periodically updated to reflect current Class I data. (A variability factor based on Class II data would be preferable, but cannot be derived from existing data.) A draft regulation is annexed.

Revenues from shipments with transit privileges. The Office has been asked to clarify whether the revenue attributable to a branch line from transit shipments is meant to include the full revenue the carrier receives for the shipment or only the revenue from that portion of the movement between the on-branch originating or terminating point and the transit point. The Office believes that the full revenue from such shipments (including any transit charges collected) should be attributed to the branch line. The off-branch costs associated with the movement beyond the transit point would of course be charged against the branch. The Office proposes to amend the standards to clarify its position.

Income from property over which subsidized service is performed. The New Jersey Department of Transportation (NJDOT) has pointed out that the property over which a subsidized service is operated may be used simultaneously by others and the standards are silent concerning income accounts related to such rail properties. It requests that either the income be included in revenues attributable to the rail properties or the income, actual and prospective, be capitalized and deducted from the overall property value. The Office is interested in obtaining the views of other parties on this subject.

Superintendence costs. The present standards do not allow the operator to include costs incurred for the supervision of maintenance of way, maintenance of equipment, or transportation on the subsidized line. The Office believed that the amount of time that a superintendent would have to devote to a particular branch would be negligible and therefore, his salary should not be included as an avoidable cost of providing the subsidized service. However, a railroad operating several branch lines under subsidy may have to employ more supervisory personnel than it would in the absence of subsidized service. In such a case, some superintendence costs might be avoidable. The issue then is how to fairly assign the costs of such superintendence to individual branch lines. The Office has considered several alternatives, including the use of an apportionment formulae, and is of the opinion that, if such costs are to be allowed, they should be directly assigned, based on the number of hours which a superintendent actually devotes to the branch line. These costs would be subject to audit, just as are the hours of crew wages and other direct costs. The parties are encouraged to address the following questions: should superintendence costs be included in the standards, and, if so, what is the fairest way of assigning these costs to the individual branch line?

Engineering costs. In some instances subsidizers have requested that the operating railroad provide engineering assistance for rehabilitation of the branch line or for the construction of new facilities. The Consolidated Rail Corporation (ConRail) has requested that the cost of providing this engineering assistance be considered an avoidable cost of providing the subsidized service. The Office believes that the costs of such services should be negotiated separately from the operating agreement and should be included as part of the rehabilitation costs.

Maintenance of way equipment repair costs. ConRail has requested that two additional accounts be included in the standards: Account 269—Roadway Machines, which includes the cost of repairing roadway machines which are used for repairs of roadway and structures, and Account 271—Small Tools and Supplies, which includes the cost of obtaining and repairing roadway tools, the costs of supplies consumed in the operation of roadway machines, and the cost of supplies used by trackwalkers, track watchmen, and roadway and track repairmen. ConRail requests that these accounts be apportioned to the individual branch on a ratio of maintenance costs performed on the branch in the subsidy year to the total ConRail system maintenance costs in the subsidy year.

The Office believes such repair costs, if incurred solely as a result of work done on the branch, should be included as a direct cost, not as an apportioned cost. It recognizes though that the direct cost approach might tempt the operating railroad to use old or run-down equipment for maintenance of subsidized lines and as a result that the repair costs for equipment used on subsidized lines might be substantially higher than repair costs for equipment used elsewhere on the operating lines of the carrier. The parties are requested to state their views as to whether Accounts 269 and 271 should be included in the standards, and, if so, how these costs should be determined and how they can be included without cross-subsidizing the upkeep of the carrier's maintenance of way equipment.

Running overhead from yard to branch; deadheading; taxi, and hotel costs. These categories of costs, which are not presently covered by the standards, may be incurred in the provision of some subsidized service. These costs arise because of the location of, or the nature of the service required over, the subsidized line. For example, it may be necessary for an engine crew and locomotive to run overhead from a yard, performing no work along the way, to reach a subsidized branch line which is the only duty assignment of the crew outside the yard. The Office is hesitant to allow this cost because it may provide an incentive for inefficiency on the part of the operating railroad. However, the Office believes that deadheading costs or taxi or hotel costs for the crew which operates the subsidized service should be included in the standards, but the Office prefers an approach which will provide an incentive for more efficient operation rather than a standard which rewards inefficiency. The parties are encouraged to propose a standard which they believe will promote efficient operation.

Specialized equipment costs. The standards presently assign locomotive repair costs on a ratio of ton-miles served on a branch to ton-miles served on the

system. Similarly, other locomotive costs are assigned on a ratio of hours served on a branch to hours served on the system. This approach does not provide adequately for unique situations where a branch requires a special locomotive because of the physical characteristics of the branch. If a special locomotive is assigned to a subsidized branch and does not serve any other portion of the operating carrier's system, the actual repair and other costs of such a locomotive should be allowed. The same approach should apply to any other specialized equipment dedicated to service on a subsidized line.

Termination of service costs. Title V of the RRR Act provides protection for employees who lose their jobs or are relocated as a result of the consolidation of the region's bankrupt railroad systems into the ConRail system. Congress has authorized $250,000,000 to reimburse ConRail, USRA (where applicable) and acquiring railroads for amounts actually paid to protected employees pursuant to Title V. There is some uncertainty as to whether employees who are assigned by ConRail to work on branch lines operated under subsidy would be protected by the provisions of Title V should the subsidy not be renewed. The Office is seeking a ruling on this question from the Railroad Retirement Board.

The operating carrier may incur other termination costs, such as the cost of removing equipment, as a result of shutting down service on a line. The Office believes that such costs, to the extent that they can be shown to be validly incurred as a direct result of the termination of the subsidy, should be considered avoidable costs of providing service. The Office also believes that it would be appropriate to amend the standards to allow the parties to include in the operating agreement a mutually acceptable amount to cover the reasonable costs of termination.

Administrative fee. The standards presently provide that the operating carrier will receive an amount equal to 0.5 percent of revenues attributable to a subsidized branch as a fee for administering the subsidized service. ConRail has asserted that it will incur a serious deficit if the actual costs of administering the subsidized service which it operates are not treated as avoidable. The Office estimates that ConRail will receive an annual administrative fee of approximately $230,000.00 and has no information indicating that ConRail's actual costs will substantially exceed that amount. Consequently, the Office does not believe that there is a need to revise the administrative fee at this time. Furthermore, the fee established by the Office has several advantages: it is easily computed; it reduces the expense of record keeping; and it serves as an incentive to the operating carrier to hold the line on administrative costs. The Office would, of course, reconsider its position if operating experience should demonstrate that the actual cost of administering subsidized service substantially exceeds the fee as determined pursuant to the present standard.

Management fee. Under the standards, an amount equal to 4.5 percent of the total annual revenues attributable to the branch is to be paid to the operating carrier as a reasonable management fee. The parties may also negotiate an additional fee designed as an incentive to maximize revenues, minimize expenses, promote efficient service or otherwise achieve public interest objectives.

The Office wishes to stress that the 4.5 percent standard is not a ceiling; the parties are free to negotiate a higher percentage. The Office believes that a higher fee could serve as an incentive to section 304(d)(1)(C) designated operators to provide subsidized service. Also, limiting the management fee to 4.5 percent could produce an inequitable result where the subsidizer desired to have service provided by a short line carrier. Since the short line operator receives a much smaller share of the revenues from the traffic on the branch than would a carrier like ConRail it would be unfair if the fee were limited to 4.5 percent. The parties must be free to negotiate a management fee which they consider fair in such situations; however, if disputes arise the Office may have to issue specific guidelines for determining the management fee for short lines. The parties are encouraged to file suggestions for resolving this issue.

Traffic and general expenses. The present standards do not include any categories of traffic and general expenses, e.g., headquarters overhead and traffic solicitation expenses. The Office believes that, for the most part, a large, established carrier's expenses in these categories will not be affected materially by undertaking to continue service on branch lines. However, in some situations there may be a significant impact especially where a carrier was organized solely for the purpose of operating a subsidized line, a carrier's operations has been substantially increased by the addition of the subsidized service, or the single subsidized service is in itself a substantial railroad operation. In each of these situations considerable costs may be incurred which might have been avoided if the operating carrier had not undertaken to provide the subsidized service. In some cases, a carrier operating under section 304(d)(1)(c) of the RRR Act may have to cease subsidized service if the standards are not amended to include these items as avoidable costs of providing service. Therefore, the Office proposes to amend the standards to allow traffic and general expenses in certain cases. The Office proposes the following test to determine whether a railroad is eligible to include these expenses: either the railroad must have the size of its operation (measured in total mileage, gross revenues, gross ton-miles or car miles) increased by more than 25 percent as a result of taking on the subsidized service, or the service being operated under subsidy must in its own right qualify as a Class I railroad. The parties are requested to comment on this proposed approach and/or to provide suggested approaches of their own. The Office requests comments as to which traffic and general expenses an eligible carrier should be allowed to include. For example, if the executive officers of a railroad devote all their time to the operation of one or more subsidized lines, should the entire cost of their salaries be covered by subsidies? If they allot only part of their time to subsidized service, should the cost of their salaries be pro-rated accordingly? If so, should there be a cut-off point (e.g., if less than 10 percent of their time is devoted to subsidized service, should none of the cost of their salaries be eligible for inclusion)?

Determination of Revenues Attributable. In developing the regional standards, the Office reviewed several possible methods of defining "revenues attributable" and concluded that the only approach which would fairly represent the revenues a branch contributes to a carrier was to attribute all revenues received by the carrier from freight originating or terminating on the branch. For reasons stated in its prior rulemaking (39 FR at 24295), the Office also included off-branch costs calculated on a variable basis as "avoidable costs". Although this procedure has been judicially affirmed, *Commonwealth of Pennsylvania* v. *ICC; R. D. Timpany* v. *RSPO, ICC*, U.S.C.A., D.C., Nos. 75–1529; 75–1762, March 31, 1976, petition for certiorari pending, the Office, consistent with its duty to "revise and reissue" the standards from time to time, will consider suggestions from interested parties on alternative methods of defining "revenues attributable" which would permit elimination of off-branch costs.

Alternative compensation for use of property over which subsidized service is performed. Because of the inability of the parties to reach agreement with regard to valuation, other bases are being negotiated under which the trustees of the bankrupt railroads in the region are to be compensated for the use of their properties. The Office proposes to amend the standards to specifically provide for alternative compensation based on arm's-length negotiations.

Technical amendment. The reference in the last sentence of Section 1125.1(d) referring to "one of the first three quarterly Financial Status Reports required by Section 1125.9(f)" should be changed since it does not appear that the first three such reports will be issued within the time frame originally contemplated. The Office proposes to substitute the following language: "* * * based on the data contained in one of the Financial

Status Reports issued during the first 10 months of the subsidy year as required by Section 1125.9 * * *."

Retroactivity. The Office requests comment on whether any of the proposed amendments discussed herein should be made effective retroactive to the date branch lines were first operated under the freight subsidy program.

FILING OF COMMENTS

After interested parties have filed their comments on the issues raised in this notice, the Office will allow further time for the participants to submit replies to the comments. To facilitate this process, the Office will reproduce all the comments received by the due date and provide them to all participants.

ORDER

In light of the foregoing considerations:

It is ordered, That the proceeding to formulate standards for determining rail freight service continuation subsidies in the Northeast-Midwest region, pursuant to Section 205(d)(6) of the Regional Rail Reorganization Act of 1973, as amended, is hereby reopened for the purpose of amending the standards.

And it is further ordered, That all interested persons are invited to participate in this proceeding by submitting written representations containing statements of facts or views. To be considered the original and 6 copies of each representation must be filed on or before September 24, 1976, with:

Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20036

Replies to the comments should be filed by October 15, 1976.

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.

Issued August 19, 1976 by Alan M. Fitzwater, Director, Rail Services Planning Office.

ROBERT L. OSWALD,
Secretary.

CLASS II

OFF-BRANCH COSTS

Class II line-haul railroads shall calculate off-branch costs as follows:

(i) The estimated system variable expenses are calculated by multiplying the sum of the total operating expenses (Schedule 2002, L.54, col. (b)), net rents (Schedule 300, L.21, col. (b) and tax accruals less federal income taxes Schedule 350, L.18, col. (b) less L.13, col. (b)) in the carrier's latest Annual Report (Form R-2) by .78, the three year composite variability ratio for all Class I railroads.

(ii) The cost per revenue gross ton-mile is calculated by dividing the amount developed in step (i) by system total revenue gross ton-miles (Schedule 2601, L. 25, col. (d)) in the carrier's latest Annual Report (Form R-2).

(iii) The cost developed in step (ii) shall be applied to the total revenue ton-miles of traffic attributable to the branch which moves over other portions of the railroad's system.

[FR Doc.76-24797 Filed 8-23-76;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 THE TREASURY

Office of the Secretary

PRIVACY ACT OF 1974

Proposed Change to a System of Records

On December 2, 1975, in accordance with the requirements of the Privacy Act of 1974 at 5 U.S.C. 552a(e)(4), a system of records to be initiated approximately January 1977 by the Office of the Secretary called "Treasury Payroll/Personnel Information System (Treasury/OS 00.054)" was adopted by notice published in the FEDERAL REGISTER (40 FR 56017, 56029). The Office of the Secretary now proposes to amend this system of records.

A number of changes became necessary during final planning. The principal changes proposed are: Advancement of the starting date to September 26, 1976; addition of a facility at San Francisco, California; provision for the inclusion of other agencies in the system; addition of the data element called the Minority Group Designator (MGD); addition of routine use number five; revision of the description of the storage, retrieval, and access policies and practices consistently with the dual location of the system; and addition of a disposition provision. Stylistic and grammatical revisions were made throughout the notice, the text of which follows in full.

Notice of this proposal as required by subsection (o) of the Act, 5 U.S.C. 552a (o), was filed on June 24, 1976, with the Senate, the House of Representatives, the Office of Management and Budget, and the Privacy Protection Study Commission.

Any interested person may submit written data, views, objections, or arguments on this proposed amendment to the Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G Street NW, 3rd. floor, Washington, DC 20220, on or before September 23, 1976. All written comments received from the public by then will be considered by the Department before taking action on a final notice of adoption. Comments received will also be avialable for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m., Mondays through Fridays, except public holidays. Further information is available by telephone at (202) 964-2792.

WARREN F. BRECHT,
Assistant Secretary (Administration).

Treasury/OS 00.054

System name: Treasury Payroll/Personnel Information System (To be implemented between 26 September 1976 and July 1978)—Treasury/OS.

System locations:
Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 43232, and U.S. Old Mint Data Center Division, 88 5th Street, San Francisco, California 94103.

Categories of individuals covered by the system: All Treasury Department employees and employees of other agencies using the system.

Categories of records in the system: Personnel and payroll data on all Treasury Department employees and employees of other agencies using the system. Minority Group Designator (MGD) in compliance with Civil Service Commission Regulations.

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 291), establishes control of the automated personnel information under the agency Director, Personnel. The Department of the Treasury, in the Fiscal Requirement Manual, establishes control of the automated payroll information under the agency Fiscal Assistant Secretary. 5 U.S.C. 301. The use of the social security account number is authorized by Executive Order 9397, November 22, 1943.

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

1. To generate the necessary payroll information, deductions and allotments to pay employees biweekly.

2. To furnish the necessary information to concerned agencies and state and city taxing authorities required by law.

3. To provide input to management information systems, and related accounting and budget systems, from the basic payroll and personnel master file.

4. To provide the Civil Service Commission with data on pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions.

5. To supply information to other federal agencies, on properly authorized request, necessary for the fulfillment of programs authorized by statute or executive order.

For additional routine uses, see Appendix AA, 40 FEDERAL REGISTER 56419-56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records: Master file is kept on disc and magnetic tape. Information concerning the employee is retrieved through the use of the individual's name and/or Social Security Number. Information is reduced to hard copy in the form of reports and payroll information and documentation. The Director of the computer facility, where the system is located, is the designated Treasury official responsible for the onsite security of the data and the proper and timely processing of the system and to insure that data is maintained and handled in the computer facility in such a manner that will guard against the invasion of privacy of employees as set forth in all pertinent regulations. Disposition not yet authorized by the National Archives and Records Service. A formal request is in progress, proposing erasure in annual increments five years from the end of the calendar year in which the record was created. Should the disposition ultimately approved be materially different from the one outlined here, further notice will be made in this publication.

System manager and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, Washington, D.C. 20220.

Notification, access and contest procedure: By written request to the Bureau designee listed below. Requesters must state own name, social security account number, name of employing Bureau, and geographical location of facility or duty station to which assigned.

Bureau Designees:

Office of the Secretary. Director, Office of Management and Organization, Department of the Treasury, 15th and Pennsylvania Avenue NW, room 4406, Washington, D.C. 20220.

Bureau of Alcohol, Tobacco and Firearms. Assistant Director for Administration, Federal Building, room 4212, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20226.

Comptroller of the Currency. Director, Finance and Administration, 490 L'Enfant Plaza East SW, Fifth Floor, Washington, D.C. 20219.

U.S. Customs Service. Assistant Commissioner for Administration, 1301 Constitution Avenue NW, room 3124, Washington, D.C. 20229.

Bureau of Engraving and Printing. Assistant Director for Administration, 14th & C Streets SW, room 113M, Washington, D.C. 20228.

Federal Law Enforcement Training Center. Assistant Director for Administration, Glynco Facility, Brunswick, Georgia 31520.

Bureau of Government Financial Operations. Assistant Commissioner for Administration, Annex 1, room 600-E, Washington, D.C. 20226.

Internal Revenue Service. Assistant Commissioner (Administration), 1111 Constitution Avenue NW, room 3308, Washington, D.C. 20224.

Bureau of the Mint. Assistant Director for Administration, Warner Building,

room 942, 501 13th Street NW, Washington, D.C. 20220.

Bureau of the Public Debt. Assistant Commissioner, Engraving and Printing Annex, room 648, 14th & D Streets SW, Washington, D.C. 20226.

U.S. Savings Bonds Division. Director of Administration, 1111 20th Street NW., room 219, Washington, D.C. 20226.

U.S. Secret Service. Assistant Director (Administration), 1800 G Street NW., room 850, Washington, D.C. 20223.

Record source categories: The Processing Clerk enters each new employee's personnel and payroll information on a copy of the SF–50, SF–52, or other standard input documents and transmits it to the processing data center. Subsequent personnel or payroll data is forwarded in this manner also.

[FR Doc.76–24718 Filed 8–23–76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, NY 10014 on September 21–22, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group 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.

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

AUGUST 19, 1976.

[FR Doc.76–24758 Filed 8–23–76;8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014, on September 16–17, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States code, it has been determined that this Advisory Group 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.

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

AUGUST 19, 1976.

[FR Doc.76–24759 Filed 8–23–76;8:45 am]

DEPARTMENT OF THE INTERIOR

COLORADO STATE MULTIPLE USE ADVISORY BOARD AND CRAIG, COLORADO DISTRICT ADVISORY BOARD

Bureau of Land Management Meeting

Notice is hereby given that the Colorado State Multiple Use Advisory Board and Craig, Colorado District Advisory Board will meet at the District Office in Craig, Colorado and at the Steamboat Village Inn, Steamboat Springs, Colorado, October 4, 5 and 6, 1976 from 8:30 a.m. to 5:00 p.m.

The District Board will meet October 4 at 8:30 a.m. at the Craig District Office and proceed on a field trip to view various resource programs in the general area of Douglas Mountain and Sand Wash, located northwest of Craig.

Both Boards will meet together Tuesday, October 5 at the Steamboat Village Inn to discuss on-going programs, as well as a briefing on the Energy Minerals Activity Recommendation System (EMARS).

The State Board will take a field trip on Wednesday, October 6 to view strip mining operations and rehabilitation work in the Craig area.

The meetings will be open to the public. Both District and State tours are open to the public. However, non-board members must provide their own transportation. Time will be made available from 1:00 p.m. to 2:00 p.m. October 5 for brief statements by members of the public. Such statements must not exceed ten minutes and limited in content to suggested topics and issues for consideration by the Board.

DALE R. ANDRUS,
State Director.

[FR Doc.76–24733 Filed 8–23–76;8:45 am]

UKIAH DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Ukiah District Multiple-Use Advisory Board to the Bureau of Land Management will meet in Garberville, California, October 7–8, 1976. Meeting times are 11:00 a.m. to 5:00 p.m. on Thursday and 8:00 a.m. to 3:00 p.m. on Friday.

A tour of the King Range National Conservation Area (NCA) located west of Garberville, will be conducted on the first day. All aspects of the NCA management plan, including general administration, forestry, mining, fisheries, and off-road vehicle use will be open for discussion during the tour. The tour, which will cover only the south end of the NCA, is open to the public; however, transportation must be provided by those wishing to attend. Off-road vehicles will not be required. Initial assembly point for the tour will be the Sherwood Forest Motel in Garberville. Scheduled departure time is 11:00 a.m.

The agenda for the formal meeting on Friday will include the following topics: King Range Management, Ukiah District Timber Management Program and Environmental Statement, and Ukiah District Geothermal Development.

The meeting will be held at the Garberville Justice Court, beginning at 8:00 a.m., and will be open to the public. Time will be made available at 8:30 a.m. and 11:30 a.m. on Friday for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the Ukiah District Manager prior to the meeting days. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the Ukiah District Manager.

Dated: August 11, 1976.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.76–24734 Filed 8–23–76;8:45 am]

National Park Service

[Order No. 4]

CUMBERLAND GAP NATIONAL HISTORICAL PARK, KENTUCKY

Delegation of Authority

Section 1. Administrative Officer. The Administrative Officer may execute and approve contracts not in excess of $10,000, for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 2. Re-Delegation. The authority delegated in this Order Number 4 may not be redelegated.

Section 3. Revocation. This order supersedes Order No. 3, dated July 28, 1975 and published in 40 F.R. 55371, November 28, 1975.

(National Park Service Order No. 77 (38 F.R. 7478), as amended; Southeast Region Order No. 5 (37 F.R. 7721), as amended.)

Dated: June 9, 1976.

ALBERT A. HAWKINS,
Superintendent, Cumberland Gap National Historical Park.

[FR Doc.76-24762 Filed 8-23-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 13, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by (10 days after publication.

REX L. WILSON,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Dallas County

Selma vicinity, *Carlowville*, 17 m. S of Selma on AL 89.

Jackson County

Stevenson, *Fort Harker*, S of Railroad Depot.

Lauderdale County

Florence, *Walnut Street Neighborhood Historic District*, N. Walnut St. between Hermitage and Tuscaloosa.

DELAWARE

New Castle County

Wilmington, *Delaware Avenue Historic District*, Delaware Ave. from N. Harrison to N. Broom Sts. (both sides).

KANSAS

Chase County

Clements vicinity, *Clements Stone Arch Bridge*, 0.5 mi. SE of Clements on Cottonwood River.

Elmdale vicinity, *Flattop Quarry Site* (14CS2), S of Elmdale.

Cherokee County

Baxter Springs, *Johnston Library*, 210 W. 10th St.

Clark County

Ashland vicinity, *Bear Creek Dedoubt*, N of Ashland.

Ashland vicinity, *Cimarron Redoubt*, S of Ashland.

Crawford County

Girard, *Wayland, Julius A., House*, 721 N. Summit.

Hamilton County

Syracuse vicinity, *Fort Aubrey Site*, E of Syracuse.

Leavenworth County

Easton vicinity, *Biehler Barn*, 2.5 mi. N of Easton.

McPherson County

McPherson, *McPherson County Courthouse*, Maple and Kansas Aves.

Mitchell County

Beloit, *Perdue, C. A., House*, 422 W. 8th St.

Glen Elder, *Norris, E. W., Service Station*, Market and Main Sts.

Montgomery County

Coffeyville, *Brown, W. P., Mansion*, S. Walnut and Eldridge Sts.

Ness County

Beeler vicinity, *Carver, George Washington, Homestead Site*, 1.5 mi. S of Beeler.

Pawnee County

Rozel vicinity, *Meckfessel Archeological Site* (*14PA363*), E of Rozel.

Rozel vicinity, *Witcher Archeological Site* (*14PA411*), E of Rozel.

Russell County

Lucas, *Garden of Eden*, 2nd St. and Kansas Ave.

Sedgwick County

Wichita, *Hillside Cottage*, 303 Circle Dr.

Thomas County

Colby, *Thomas County Courthouse*, 300 N. Court.

Wallace County

Weskan vicinity, *Goose Creek Tipi Ring Site* (*14WC401*), N of Weskan.

MICHIGAN

Keweenaw County

Isle Royale National Park, *Edisen Fishery*, Rock Harbor.

NEW YORK

Oswego County

Oswego, *U.S. Customhouse*, W. Oneida St., between 1st and 2nd Sts.

Warren County

Chestertown, *Chestertown Historic District*, Canada Dr.

Westchester County

Rye, *Ward, William E., House*, Comly Ave.

NORTH DAKOTA

Stutsman County

Jamestown, *Stutsman County Courthouse and Sheriff's Residence/Jail*, 504 3rd Ave., SE.

OKLAHOMA

Oklahoma City, *Capitol-Lincoln Terrace Historic District*, irregular pattern within 13th, 23rd, Lincoln Blvd. and Kelley Ave.

TENNESSEE

Dyer County

Dyersburg, *Dyersburg Sanitarium*, 124 McGaughey.

Franklin County

Winchester vicinity, *Gray, Isaac, House*, SW of Winchester off U.S. 64.

TEXAS

Bexar County

San Antonio, *Bexar County Courthouse*, Main Plaza.

UTAH

Daggett County

Bridgeport vicinity, *Parson, Dr. John, Cabin Complex*, W of Bridgeport.

[FR Doc.76-24479 Filed 8-23-76;8:45 am]

NORTH ATLANTIC REGION ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act—Public Law 92-463, that a meeting of the North Atlantic Committee will be held at 2:00 p.m., EDT on September 20, 1976 through approximately 12:00 noon EDT on September 22, 1976 at Acadia National Park, Bar Harbor Motor Inn, Bar Harbor, Maine.

The purpose of the Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the North Atlantic Region.

The members of the Committee are as follows:

Mr. John Cole, Brunswick, Maine.
Mrs. Antoinette Downing, Providence, Rhode Island.
Ms. Arthur Fenske, Green Village, New Jersey.
Dr. Charles H. W. Foster, Needham, Massachusetts.
Mr. George T. Hamilton, Dover, New Hampshire.
Mr. John Keith, Hartsdale, New York.
Mr. Frederick Micha, Ontario, New York.
Mr. William Niering, Gales Ferry, Connecticut.
Mr. William Pinney, Charlotte, Vermont.

Matters to be discussed at this meeting include:

1. Briefing on current activities in the North Atlantic Region
2. Fire Island National Seashore Master Plan
3. Gateway National Recreation Area Development Plan
4. National Park Service planning procedure and public participation policy
5. Transportation systems

The meeting will begin at approximately 2:00 p.m., September 20, 1976, at Bar Harbor Motor Inn, Bar Harbor, Maine. The meeting will be open to the public. Any member of the public may

file with the Committee a written statement concerning the matters to be discussed.

The group will tour the Mt. Desert portion of Acadia National Park beginning at the Bar Harbor Motor Inn, Bar Harbor, Maine at 8:00 a.m. September 22, 1976 and returning to the motel at approximately 12:00 noon. There may be extra seats on the bus that will be available to the public on a first come basis, others are welcome to accompany the tour in their own transportation.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John C. Raftery, Assistant to the Regional Director, North Atlantic Regional Office at 617-223-2892. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts, 02114.

Dated: August 11, 1976.

DENIS P. GALVIN,
Acting Regional Director.

[FR Doc.76-24763 Filed 8-23-76;8:45 am]

Office of the Secretary

COMMITTEE ON FUTURE ENERGY PROSPECTS; NATIONAL PETROLEUM COUNCIL

Meeting

Notice is hereby given for the following meeting:

The National Petroleum Council's Committee on Future Energy Prospects will meet on September 10, 1976, at 10:30 a.m., in the Arena Three Room of the Sheraton Inn, 3535 Quebec Street, Denver, Colorado.

The agenda includes the following items for review and diseussion:

1. Progress of development of study topic papers.

2. Timetable for completion of study topic papers.

3. Any other matters pertinent to the overall assignment of the Committee on Future Energy Prospects.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: August 19, 1976.

ROBERT L. PRESLEY,
Staff Assistant-Emergency Preparedness, Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76-24764 Filed 8-23-76;8:45 am]

Office of the Secretary

[INT DES 76-32]

PACIFIC POWER AND LIGHT CO.

Availability of Draft Environmental Statement; Proposed 500 KV Powerline, Midpoint, Idaho-Medford, Oregon

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for a proposed 500 KV powerline between Midpoint, Idaho, and Medford, Oregon, and invited your written comments within 45 days of this notice.

The proposal involves construction, operation, and maintenance of a 500 KV electric transmission line between the Midpoint, Idaho, substation and a new substation to be constructed northeast of Medford, Oregon.

Copies are available for inspection at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, Telephone: (202) 343-4151.

Idaho State Office, Bureau of Land Management, Room 398 Federal Building, 550 West Fort Street, Boise, Idaho 83724, Telephone: (208) 342-2711 Ext. 2291.

Oregon State Office, Bureau of Land Management, Room 100, 729 N.E. Oregon Street, Portland, Oregon 97208, Telephone: (503) 234-3361, Ext. 4024.

Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702, Telephone: (208) 342-2711 Ext. 2582.

Shoshone District Office, Bureau of Land Management, 400 West "F" Street, Shoshone, Idaho 83352, Telephone: (208) 886-2208.

Lakeview District Office, Bureau of Land Management, 357 North "L" Street, Lakeview, Oregon 97630, Telephone: (503) 947-2177.

Vale District Office, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, Telephone: (503) 473-3144.

Region VI Information Office, U.S.F.S., 319 S.W. Pine, Portland, Oregon 97208, Telephone: (503) 221-2877.

Burns District Office, Bureau of Land Management, 74 S. Alvord Street, Burns, Oregon 97720, Telephone: (503) 573-2071.

Medford District Office, Bureau of Land Management, 310 W. 6th Street, Medford, Oregon 97501, Telephone: (503) 799-2351.

Fremont National Forest, 34 "D" Street N., Lakeview, Oregon 97630, Telephone: (503) 947-2151.

A limited number of single copies may be obtained from the Idaho and Oregon State Directors, Bureau of Land Management, and the Office of Public Affairs, Bureau of Land Management, Washington, D.C. 20240.

Notice is also given that public hearings on the draft environmental statement will be held at the following locations:

Courtroom, Federal Building, 310 West 6th Street, Medford, Oregon, 9:00 a.m. on Sept. 27, 1976.

Mills Auditorium, E. Main and Orchard Avenue, Klamath Falls, Oregon, 9:30 a.m. on Sept. 30, 1976.

Citizens Center, 11 North G., Lakeview, Oregon, 9:00 a.m. on Sept. 29, 1976.

Rodeway Inn, 29th and Chinden, Boise, Idaho, 9:00 a.m. on Oct. 6, 1976.

Oral testimony of a 10-minute maximum duration will be accepted from each witness at the hearings in lieu of written comments or in addition to any written comments submitted by such witness. The 10-minute time limit will be strictly enforced. Complete text of prepared testimony may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Written requests to testify orally should be filed as follows:

Medford Hearing—District Manager, Bureau of Land Management, at the above address prior to close of business of September 23, 1976.

Lakeview and Klamath Falls Hearings—District Manager, Bureau of Land Management, Lakeview, Oregon, at the above address prior to close of business of September 27, 1976.

Boise Hearing—Idaho State Director, Bureau of Land Management at the above address prior to close of business on October 4, 1976.

Requests to present testimony should be signed by the prospective witness and should state the approximate time preference for giving oral testimony. The cutoff dates are necessary so that a witness list can be made available on the day before the public hearings.

Speakers will be heard, if present, in their established order of precedence. After the last listed witness present has been heard, the presiding officer will consider the request of any other person present and wishing to testify. The presiding officer may continue the hearing into a subsequent session if necessary to hear all prospective witnesses. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinion of a private citizen.

Dated: August 20, 1976.

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

[FR Doc.76-24877 Filed 8-23-76;8:45 am]

Office of the Secretary

[INT FES 76-45]

SHERWOOD URANIUM PROJECT ON THE SPOKANE INDIAN RESERVATION

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental impact statement for approval of a lease between the Spokane Tribe of Indians and Western Nuclear, Inc. The environmental impacts of developing a uranium mine and processing facilities on a 1,222 acre lease of the Spokane Indian Reservation near Wellpinit, Washington are presented.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Environmental Quality Services, Room 4554, Department of the Interior, Washington, D.C. 20245. Telephone (202) 343-8248.

Bureau of Indian Affairs, Portland Area Office, Room 409, Loyd Plaza, 1425 N.E. Irving Street, Portland, Oregon 97232. Telephone (503) 234-3361 Ext. 4257.

Bureau of Indian Affairs, Spokane Indian Agency, Wellpinit, Washington 99040. Telephone (509) 258-4561.

Single copies of the final statement may be obtained without cost from the Portland Area Office, Bureau of Indian Affairs, Room 409, Loyd Plaza, 1425 NE. Irving Street, Portland, Oregon 97232.

Dated: August 19, 1976.

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

[FR Doc.76-24712 Filed 8-23-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Nebraska Grain Inspection Point

Statement of Considerations. The Hastings Grain Inspection, Inc., Hastings, Nebraska, is designated to operate as an official inspection agency in accordance with the provisions of section 7 (f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Hastings Grain Inspection, Inc., has been providing official inspection service for approximately 42 years at Hastings and Grand Island, Nebraska, as designated inspection points and for approximately 1 year at Kearney, Nebraska, as a designated inspection point. The Hastings Grain Inspection, Inc., has also been providing official sampling service for approximately 41 years at Kearney, Nebraska, and for approximately 20 years at Ogallala, Nebraska. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Hastings Grain Inspection, Inc., now plans to locate one or more of its licensed grain inspectors at Ogallala, Nebraska, and has requested that its assignment of inspection points be amended in accordance with section 26.99 (b) of the regulations (7 CFR 26.99(b)) to add Ogallala, Nebraska, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Hastings Grain Inspection, Inc., to add Ogallala, Nebraska, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than September 20, 1976. All materials submitted 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)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 19, 1976.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.76-24794 Filed 8-23-76;8:45 am]

Agricultural Stabilization and Conservation Service

ADVISORY COMMITTEE ON GRAINS—WHEAT, FEED GRAINS AND SOYBEANS

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Grains—Wheat, Feed Grains and Soybeans. This meeting will be held on September 16-17, 1976, starting at 9 a.m., in Room 218-A of the Administration Building, U.S. Department of Agriculture. The Advisory Committee on Grains will meet jointly with the National Cotton Advisory Committee.

This meeting will be to discuss the current domestic and foreign supply-demand situation and the 1977 program outlook. The meeting will be open to the public. Any member of the public may file a written statement with the committee before or within one week following the meeting.

The names of the members of the committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Kenneth T. Benjamin, Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, Room 3741-S, Washington, D.C. 20250.

Signed at Washington, D.C. on August 18, 1976.

KENNETH BENJAMIN,
Executive Secretary, Advisory Committee on Grains—Wheat, Feed Grains & Soybeans.

[FR Doc.76-24777 Filed 8-23-76;8:45 am]

NATIONAL COTTON ADVISORY COMMITTEE

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cotton Advisory Committee. This meeting will be held on September 16-17, 1976, starting at 9 a.m., in Room 218-A of the Administration Building, U.S. Department of Agriculture. The Cotton Advisory Committee will meet jointly with the Advisory Committee on Grains—Wheat, Feed Grains and Soybeans.

This meeting will be to discuss the current domestic and foreign supply-demand situation and the 1977 program outlook. The meeting will be open to the public. Any member of the public may file a written statement with the committee before or within one week following the meeting.

The names of the members of the committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Kenneth T. Benjamin, Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, Room 3741-S, Washington, D.C. 20250.

Signed at Washington, D.C. on August 18, 1976.

KENNETH BENJAMIN,
Executive Secretary, National Cotton Advisory Committee.

[FR Doc.76-24776 Filed 8-23-76;8:45 am]

Forest Service

KARTA UNIT MANAGEMENT PLAN

Availability of Draft 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 draft environmental statement for Karta Unit Management Plan, USDA-FS-R-10-DES(Adm)76-05.

This envrionmental statement proposes six alternatives for the future management of Tongass National Forest land in the Karta-Big Salt area. Following review and comment on this statement, a management plan will be selected and stated in a Final Environmental Statement.

This draft environmental statement was transmitted to the CEQ on August 18, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service; South Agriculture Bldg., Room 3231, 12th Street & Independence Ave. S.W., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chugach National Forest, 121 W. Firewood Lane, Suite 205, Anchorage, Alaska 99503.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

A limited number of single copies are available upon request to James S. Watson, Forest Supervisor, Box 2278, Ketchikan, AK 99901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 for which comments have not been requested specifically.

Comments, concerning the proposed action and requests for additional information should be addressed to James S. Watson, Forest Supervisor, Box 2278, Ketchikan, AK 99901.

Comments must be received by October 17, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: August 18, 1976.

CARL W. SWANSON,
Regional Environmental Coordinator, Alaska Region.

[FR Doc.76-24740 Filed 8-23-76;8:45 am]

Forest Service

PROPOSED LAND USE PLAN, ELK RIVER PLANNING UNIT

Availability of Draft 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 draft environmental statement for the Proposed Land Use Plan for Elk River Planning Unit, Forest Service Report Number USDA-FS-R1(05)-DES-Adm 76-21.

The environmental statement concerns a proposed revision of the Multiple Use Plan for the Elk River Planning Unit, Palouse Ranger District, St. Joe National Forest.

This draft environmental statement was transmitted to CEQ on August 16, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Clearwater National Forest, Rt. 4 Ahsahka Road, Orofino, ID 83544.
USDA, Forest Service, Palouse Ranger District, Rt. 2, Box 4, Potlatch, ID 83855.

A limited number of single copies are available upon request to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Rt. 4, Ahsahka Road, Orofino, Idaho 83544.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Rt. 4, Ahsahka Road, Orofino, Idaho 83544. Comments must be received by October 15, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: August 16, 1976.

WARREN G. DAVIES,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.76-24691 Filed 8-23-76;8:45 am]

RANCHERIA MANAGEMENT UNIT—SIERRA NATIONAL FOREST; LAND USE PLAN

Availability of Draft 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 draft environmental statement for the Land Use Plan, Rancheria Management Unit, Sierra National Forest, California, USDA-FS-R5-DES(Adm)-76-04.

The environmental statement concerns a proposed land use management plan for the 13,540 acres of National Forest lands known as the Rancheria Management Unit of the Sierra National Forest, in Fresno County, California. These lands contain no new wilderness study areas or inventoried roadless areas.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on August 17, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
Regional Forester, U.S. Forest Service, Room 529, 630 Sansome Street, San Francisco, California 94111.
Forest Supervisor's Office, Sierra National Forest, 1130 "O" Street, Fresno, California 93721.
Forest Service, District Ranger, Trimmer Route, Sanger, California 93657.

A limited number of single copies are available, upon request, from Forest Supervisor Sotero Muniz, Sierra National Forest, 1130 "O" Street, Fresno, California 93721.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Sotero Muniz, Sierra National Forest, 1130 "O" Street, Fresno, California 93721. Comments must be received within 60 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

T. W. KOSKELLA,
Deputy Regional Forester.

AUGUST 17, 1976.

[FR Doc.76-24730 Filed 8-23-76;8:45 am]

Rural Electrification Administration

TENNESSEE TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $12,258,000 to Tennessee Telephone Company, Mt. Juliet, Tennessee. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing

the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene E. Morris, President, Tennessee Telephone Company, c/o 320 Cedar Bluff Road, Knoxville, Tennessee 37917.

To assure consideration, proposals must be submitted within 30 days of the date of this notice to Mr. Morris. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Tennessee Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 12th day of August, 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76–24676 Filed 8–23–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MATERIAL PREPARATION SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Material Preparation Subcommitee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, September 16, 1976 at 9:00 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Material Preparation Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Material Preparation Subcommittee was formed to provide advice to the Committee with respect to methods and equipment used for the preparation of semiconductor materials.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee's Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on activities since the last Subcommittee Meeting—each member.

(4) Statement of future activities and schedule for actions.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Dated: August 19, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76–24773 Filed 8–23–76;8:45 am]

PATTERN GENERATION AND IMAGE TRANSFER AND INSPECTION SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Pattern Generation and Image Transfer and Inspection Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, September 16, 1976, at 9:00 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Pattern Generation and Image Transfer and Inspection Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Pattern Generation and Image Transfer and Inspection Subcommittee was formed to provide advice to the Committee with respect to equipment and techniques used in the formation of precision microelectronics artwork and masks.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of the following categories of equipment in the context of the (a) technical criteria, and (b) matrix: Interactive computer graphics and pattern generator systems—Robert J. Maerz; Step-and-repeat cameras—R. A. Richardson; Mask replication—A Tobey; Electro-and-X-Ray lithography—Committee of the whole.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Ececutive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed ot the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on January 30, 1976, (41 FR 4623).

Dated: August 19, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-24774 Filed 8-23-76;8:45 am]

Economic Development Administration

CHIPS 'N TWIGS, INC.

Petition for Determination of Eligibility

A petition by Chips 'N Twigs, Inc., 642 North Broad Street, Philadelphia, Pennsylvania 19130, and its affiliates, producers of apparel for men and boys, was accepted for filing on August 17, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firms contributed importantly to total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of the petitioning firms.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of September 3, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-24755 Filed 8-23-76;8:45 am]

Patent and Trademark Office

INTERNATIONAL PROTECTION OF GOVERNMENT EMBLEMS AND SEALS

Change of Intent

The Patent and Trademark Office, Department of Commerce, intends to forward only the 50 State seals plus one departmental seal for each department listed in the publication "Seals and Other Devices in Use at the Government Printing Office" ("Seals") instead of the entire publication, as indicated on page 59366 of the FEDERAL REGISTER of December 23, 1975.

Since the publication had been printed in 1975, it was assumed that few deletions and additions would be necessary. However, the response to the above notice, along with some necessary deletions, resulted in a large number of seals in the publication requiring deletion. This rendered the publication unacceptable for submission to the World Intellectual Property Organization (WIPO).

Therefore, the Patent and Trademark Office now intends to forward only the 50 State seals along with the departmental seal denoted "No. 1" for each department listed in the "Seals" publication. If this is not the preferred departmental or State seal, the department or State involved is requested to notify the Patent and Trademark Office by September 21, 1976. This notification should either specify the number of the preferred seal, as it appears in the "Seals" publication, or provide a clear, black and white photograph, suitable for reproduction, of the preferred seal. The seal must be no larger than 1½ inches in diameter.

These seals will then be forwarded to WIPO for protection under Article 6*ter* of the Paris Convention for the Protection of Industrial Property.

Address all correspondence to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: August 18, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

[FR Doc.76-24724 Filed 8-23-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0239; DESI 5378]

CERTAIN COMBINATION ANORECTIC DRUGS: DEXAMYL SPANSULE CAPSULES, TABLETS, AND ELIXIR

Final Order on Objections and Request for Hearing on Refusal To Approve New Drug Applications

The Food and Drug Administration (FDA) denies hearing and refuses to approve the new drug applications for Dexamyl Elixir Spansule capsules and Tablets (NDA Nos. 17-074, 17-075, and 17-077; formerly docket No. FDC-D-582), effective September 3, 1976.

In the FEDERAL REGISTER of August 8, 1970 (35 FR 12652), FDA issued a statement of policy, under § 310.504 (21 CFR 310.504, formerly 21 CFR 130.46), regarding amphetamine-containing drugs, including dextroamphetamine. The statement noted that the National Academy of Sciences/National Research Council, Drug Efficacy Study Group (NAS/NRC) had found, inter alia, that this class of drugs had a generally short-term (a few weeks) anorectic effect, that there was no evidence that they altered the natural course of obesity, that they had a significant potential for abuse and that there were reservations about the adequacy of controls in some of the clinical studies. The Food and Drug Administration concurred with the NAS/NRC report, and in addition, noted that production data indicated that amphetamines were manufactured and used in quantities greatly in excess of demonstrated medical needs. Accordingly, the statement of policy required that such drugs be relabeled to deflect the present state of knowledge concerning amphetamines, their potential for misuse and abuse and their limited medical usefulness. The statement was made specifically applicable to combination drugs containing dextroamphetamine. Manufacturers of drugs not expressly covered by approved new drugs applications (NDA's) were permitted to continue marketing if they relabeled their products within 60 days and if they submitted a new drug application within 1 year.

Manufacturers were advised that the relabeled products—both single entity and combination—would be regarded as new drugs requiring new drug applications.

In a separate notice published in the FEDERAL REGISTER of August 8, 1970 (35 FR 12678), FDA announced its evaluation of 23 anorectic, i.e., appetite suppressant, drugs. The notice stated that FDA had considered the reports of the NAS/NRC, Drug Efficacy Study Group, together with other evidence, and concluded that there was a lack of substantial evidence for several claims but that the listed drugs were regarded as possibly effective for their claimed anorectic effects. Manufacturers were given 60 days to revise their labeling to delete those indications for which no substantial evidence had been found and 6 months to submit, in supplemental or original new drug applications, substantial evidence of effectiveness for the anorectic claims. Finally, the notice advised that at the end of the 6-month period, the data would be evaluated to determine whether or not substantial evidence had been demonstrated, and if it had not, procedures would be initiated to withdraw approval of the new drug applications pursuant to section 505(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)).

In response to the August 8, 1970 statement of policy, Smith, Kline and French (SKF) submitted new drug applications for Dexamyl Spansules (NDA No. 17-075), Tablets (NDA No. 17-077) and Elixir (NDA No. 17-074) combination drugs containing dextroamphetamine sulfate and amobarbital in varying amounts; the elixir also contained alcohol. In a letter accompanying the submission SKF contended that Dexamyl products were not "new drugs" within the meaning of section 201(p) of the act (21 U.S.C. 321(p)) and that they were exempted from the requirements of the Drug Amendments of 1962 by the "grandfather clause" (section 107(c)(4) of Pub. L. 87-781 (21 U.S.C. 321 note)), and were therefore not subject to the August 8, 1970 statement of policy.

Subsequently, on January 15, 1973, the Acting Director of the Bureau of Drugs advised SKF that its applications were not approvable because (1) they failed to contain full reports of adequate tests by all methods reasonably applicable to show the safety and efficacy of the drugs for their labeled uses as required by section 505(b)(1) and (6) of the act, and (2) they failed to support the SKF claim that Dexamyl's sedative constituent, amobarbital, significantly decreased the adverse effects associated with the anorectic constituent, dextroamphetamine. Smith, Kine and French was further advised that it could contest the decision on the products and request a hearing by filing the applications over protest pursuant to § 314.110(d) (21 CFR 314.110(d)).

On February 12, 1973, SKF requested that its applications be filed over protest without prejudice to its position that the products were not "new drugs." On the same day, the statement of policy regarding amphetamines for human use under § 310.504 was revised and published in the FEDERAL REGISTER (38 FR 4249), to reflect that while sufficient data had been submitted, in response to the previous statement of policy, to generally support the anorectic efficacy of single entity, oral-dosage anorectic drugs, the degree of extra weight loss was small (a few tenths of a pound a week in many cases), variations were great, and the rate of weight loss decreased after the first weeks of therapy. Accordingly, the Commissioner of Food and Drugs concluded that single entity oral dosage forms were effective in the management of exogenous obesity as a short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction for patients in whom obesity is not alleviated by other measures. The statement reiterated that anorectic combinations containing sedatives or tranquilizers were regarded as new drugs requiring approved new drug applications and that the data in such applications must meet the requirements of § 300.50 *Fixed combination prescription drugs for humans* (21 CFR 300.50, formerly 21 CFR 3.86).

In a notice of opportunity for hearing covering 13 anorectic combinations, published in the same issue of the FEDERAL REGISTER (February 12, 1973 (38 FR 4279), Docket No. FDC-D-582), the Commissioner stated that the data submitted in response to the August 8, 1970 DESI notice had been reviewed and found not to provide substantial evidence that the drugs were effective as fixed combinations for their claimed uses because the submitted data did not support the contention that the combination products decrease the incidence or severity of side effects or lessen the abuse potential associated with the single anorectic ingredient. Accordingly, he proposed to withdraw approval of the named new drug applications and invited holder(s) of new drug applications and other interested persons, including manufacturers and distributors of identical, related, or similar products, to submit, on or before March 14, 1973, a written request for hearing. The request for hearing was to state why approval of the new drug application should not be withdrawn and to provide a well-organized and full factual analysis of the clinical and other investigational data in support of the requested hearing.

On March 14, 1973, SKF responded by letter and contended that the notice of opportunity for hearing should be withdrawn insofar as it applied to Dexamyl products because (1) Dexamyl products were not identical, similar or related to the 13 combinations named in the notice, (2) Dexamyl products have never been the subject of an approved NDA and therefore were not "new drugs" within the meaning of the act, and (3) the Commissioner lacked authority to determine whether a drug was a "new drug" within the meaning of the act. Alternatively, SKF argued that the data in its applications, and Dexamyl's 22-year history of safe and effective use raised issues of fact sufficient to justify a hearing and therefore that it was entitled to a detailed statement of reasons for the Commissioner's conclusion that its studies failed to provide substantial evidence of effectiveness.

In the FEDERAL REGISTER of March 30, 1973 (38 FR 8290), the Commissioner advised SKF and other manufacturers who had requested hearings that they could continue marketing their products pending a ruling on the hearing requests.

On July 11, 1973, SKF filed a supplemental hearing request reasserting its previous legal arguments and providing additional clinical studies.

The Commissioner has considered all of the material submitted by SKF and has concluded that there is no genuine issue of material fact requiring a hearing and that the legal objections offered are insubstantial. A full discussion follows:

I. THE DRUGS

A. *Elixir.* Each 5 milliliter (one teaspoonful) contains 5 milligrams dextroamphetamine, 32 milligrams amobarbital and 25 percent alcohol.

B. *Spansule capsules.* Each Spansule capsule No. 2 contains 15 milligrams dextroamphetamine and 97 milligrams amobarbital. Each Spansule capsule No. 1 contains 10 milligrams dextroamphetamine and 65 milligrams amobarbital.

C. *Tablets.* Each tablet contains 5 milligrams dextroamphetamine and 32 milligrams amobarbital.

II. RECOMMENDED USES AND DOSAGE: RATIONALE FOR THE COMBINATION

The labeling for Dexamyl products incorporates the changes required by § 310.504 and recommends Dexamyl solely for exogenous obesity as a short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction. Smith, Kline and French's rationale for including amobarbital is that it reduces the possibility of the wakefulness and excitation that may occur in some patients on dextroamphetamine alone.

The labeling generally provides that Dexamyl should be administered at the lowest effective, individually adjusted dosage. The specific recommended dosages are as follows: Elixir, 1 teaspoonful 2 or 3 times daily 30 to 60 minutes before meals; Spansule capsules, 1 in the morning; Tablets, 1 tablet 2 or 3 times daily, 30 to 60 minutes before meals.

III. DATA SUBMITTED TO SUPPORT CLAIMS OF EFFECTIVENESS

If SKF is to have its three NDA's for Dexamyl approved, it must first establish, by adequate and well-controlled clinical investigations conducted pursuant to 21 U.S.C. 355(d) and 21 CFR 314.111(a)(5), that these products are effective anorectic agents. A well-controlled study is one, using subjects substantially identical in all respects except for the drug received, that permits comparison of test-drug treatment results

with the results of no treatment or some other effective treatment. Properly conducted, such a study permits conclusions to be drawn regarding the effect of a single, well-defined variable: the presence or absence of the test drug. To the extent that other variables, such as observer bias or differences between the patient groups, are introduced into the study, the ability to reach a conclusion about the test drug is confounded. The principles set forth in § 314.111(a)(5) are intended to eliminate such confounding factors while assuring that the study generates unbiased documented quantitative information that permits FDA to evaluate the study results independently.

Additionally, because the various formulations of Dexamyl contain fixed combinations of dextroamphetamine and amobarbital (the Elixir also contains alcohol), SKF must show, by adequate and well-controlled clinical investigations conducted in accordance with the statute and regulations, that the drugs meet the requirements of the policy for fixed-combination prescription drugs for humans under § 300.50. This policy requires that each component of a product contribute to the effects claimed in its labeling and that the dosage of each component (amount, frequency and duration of administration) be such that the combination is safe and effective for a significant patient population requiring the concurrent therapy defined in the labeling. The regulation specifically cites as appropriate combinations those in which one component of a combination drug enhances the safety or effectiveness of the principal active component or minimizes the abuse potential of the active component.

Smith, Kline and French does not claim that amobarbital directly enhances or potentiates the effectiveness of dextroamphetamine. Nor does SKF claim that amobarbital reduces the abuse potential of dextroamphetamine. Rather, SKF claims that Dexamyl satisfies the combination policy because amobarbital significantly reduces the number of side effects attributable to dextroamphetamine. To substantiate its claim, SKF must compare the incidence and severity of side effects of Dexamyl and dextroamphetamine in two substantially identical groups of subjects who have the precise condition for which Dexamyl is recommended by its labeling. Both groups must receive the drugs under the conditions of use set forth in the labeling.

However, a demonstrated reduction in certain side effects would not satisfy all the requirements of the combination policy. If, for example, amobarbital reduced the incidence of insomnia, there would still be no logical reason to administer the barbiturate throughout the day. In that event, the "amount, frequency, and duration" of each component would not be such that the combination was safe and effective because clearly unnecessary drug administration would result from use of the fixed combination.

A. CONTRIBUTION OF AMOBARBITAL

1. *Elixir.* No data were submitted by SKF to support the contribution of amobarbital in this dosage form.

2. *Spansule capsules.* Regarding the claim that amobarbital reduces the possibility of excitation and wakefulness caused by dextroamphetamine, SKF identified five studies, only one of which utilized the Spansule dosage form. It is evaluated as follows:

"Anorexia and Central Nervous System Stimulation," T. M. Feinblatt and E. A. Ferguson, "Psychosomatics," Vol. II, No. 1, January-February, 1961. This study was described as a double-blind, 4-way cross-over study in which 91 subjects were divided into 4 groups and given placebo, phenmetrazine, dextroamphetamine, and combined dextroamphetamine-amobarbital for a period of 1 week until all patients received each regimen. To rule out order of administration as a confounding variable, each treatment was administered first, second, third, and fourth approximately the same number of times. Patients were told to take one dose a day and to restrict their diet to 1,200 calories per day.

The authors reported that Dexamyl-treated patients had significantly lower side effects than did patients treated with dextroamphetamine. The study, as reported, however, patently fails to meet the criteria for a well-controlled clinical investigation because it does not explain methods of observation and recording of results, including variables measured, quantitation or assessment of the subjects' response, and steps taken to minimize bias on the part of the data analyst, as required by 314.111(a)(5)(ii)(*a*)(*3*) and (*4*). Although the study was supposed to compare the incidence of stimulatory side effects, the only detail offered on the collection of data is that patients were asked a uniform series of questions. No information is provided about the nature or form of questions asked, and consequently their appropriateness for ascertaining the incidence of stimulatory side effects cannot be determined.

An important reason for knowing the questions used is that, as the authors recognize, soliciting information with specific questions gives an unusually high incidence of adverse effects compared to recording spontaneous comments. Accordingly, it is questionable whether these solicited responses may properly be considered drug-related adverse effects or whether they are more properly attributable to investigators' questions.

The investigators present their results in a summary data table with general categories such as "felt better," "insomnia," and "nervousness." They do not explain how data were placed into these categories, i.e., whether these descriptions summarize specific answers to specific questions or represent the overall conclusion of the investigator based on patient responses and/or his personal observations. Nor does the report state whether patients were given an opportunity to characterize the severity of their reactions. Without more information on how adverse reaction data were elicited and analyzed, assessment of results is impossible. There is also no way to tell if the questions were designed only to elicit dextroamphetamine-like adverse reactions or whether they were also directed at detecting amobarbital-type side effects. Obviously, it makes no sense to claim that the side effects of dextroamphetamine are reduced if the other component, amobarbital, is responsible for equally serious side effects of its own. Details on how adverse reactions were elicited are required to tell if the investigators took such a possibility into account.

In addition, the study did not provide the summary of methods of analysis and evaluation of data required by §314.111(a)(5)(ii)(*a*)(*5*). Without such a summary, it is impossible (even if methods of collecting data had been explained) to assess the authors conclusion that Dexamyl patients had fewer side effects than dextroamphetamine patients.

Clearly, this study is not a well-controlled clinical investigation. Even if it were well-controlled, it could not, by itself, constitute substantial evidence within the meaning of section 505(d) of the act, since that section requires at least two such studies. Furthermore, the 1½ page paper is completely lacking in details that permit scientific evaluation (§ 314.111(a)(5)(ii)(*c*)).

3. *Dexamyl tablets.* The other four studies submitted by SKF all related to the tablet dosage form. These are evaluated as follows:

(a) "Effects of Placebo, Dexamyl, and Lucofen on Moods, Emotions, and Motivations," J. S. Cameron, P. G. Specht, and G. R. Wendt, "Journal of Psychology," Vol. 66, pp. 199–209, 1967. Smith, Kline and French provided a supplemental statistical analysis in which 78 volunteer students (39 men and 39 women) were observed after single-dose treatment with a variety of different drugs, each administered 2 or more days apart. The treatment drugs included Lucofen (chlorphentermine HCl), dextroamphetamine (men received 8 milligrams, women received 5 milligrams), a combination similar to Dexamyl tablets (5 milligrams dextroamphetamine and 30 milligrams amobarbital), dimenhydrinate, a variety of weak analgesics, and three placebo treatments. The treatments were given in different sequences to offset any effect related to the order of administration. On each treatment day the subject was evaluated twice, once before taking medication in the late morning and again 2 hours after medication. In the morning, before taking medication, each patient filled out a 133-item free-choice Adjective Check List designed to describe how he felt when filling it out, e.g., warmhearted, or friendly. In the afternoon, after taking medication, the free-choice check list was redone and, in addition, each patient completed a 32-item forced-choice Adjective Check List. The forced-choice check list consisted primarily of 32 pairs of self-descriptive adjectives, e.g., jittery-nerv-

ous, or easygoing-relaxed. For each paired description the subject was asked to indicate whether he felt more that way before taking the drug or after the drug took effect.

As reported by SKF, the forced-choice Adjective Check List showed significant advantages for Dexamyl over dextroamphetamine in two relevant categories in males "easygoing-relaxed" (more on Dexamyl) and "jittery-nervous" (fewer on Dexamyl). No significant differences were seen in females.

This study is not an adequate and well-controlled clinical investigation within the meaning of § 314.111(a)(5) for a number of reasons.

The most critical defect in the study is the use in males of a larger dose of dextroamphetamine in the dextroamphetamine-only group (8 milligrams) than in the combination drug group (5 milligrams). Because of this, the male test and control groups were not comparable with respect to the most pertinent variable, namely, the amount of dextroamphetamine taken (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). It is senseless to attempt to demonstrate that amobarbital reduces the side effects of a given amount of dextroamphetamine unless the same amount of dextroamphetamine is used in both halves of the comparison. The addition of the amobarbital accompanied by a reduction in the dose of dextroamphetamine (which itself would be expected to reduce side effects) makes it impossible to determine whether the smaller number of side effects was attributable to the addition of amobarbital or the decrease in dextroamphetamine, or both.

The study is not well-controlled in several other respects. The patients were not selected so as to assure their suitability for the purposes of the study as required by § 314.111(a)(5)(ii)(*a*)(2)(*i*). Although Dexamyl is recommended as an adjunct for the treatment of exogenous obesity in a regimen of weight reduction based on caloric restriction, it does not appear that patients in this study were either obese or on a calorie-restricted diet. Thus, the study is invalidated because there is no evidence suggesting that the subjects in the study will react to dextroamphetamine or amobarbital the same as obese patients on a calorie-restricted diet.

Equally important, although Dexamyl's labeling recommends use over a period of a few weeks, Dexamyl was administered only once, on a single day, in this study. Clearly therefore, the study can provide no evidence that the drug will have the effect it is represented to have under the conditions of use recommended in the labeling (§§ 300.50(a) and 314.111(a)(5)(i)).

Finally, the investigators did not use the same formulation of Dexamyl as the one for which approval is sought. The combination in the study consisted of 5 milligrams dextroamphetamine and 30 milligrams of amobarbital, yet none of the combinations covered by the subject NDA's contain this precise formulation (§ 314.111(b)).

The analysis of the results was also deficient (§ 314.111(a)(5)(ii)(*a*)(5)). No statistical analysis of the free-choice Adjective Check List was reported. Although the authors grouped adjectives into clusters (e.g., friendly, good-natured, trustful and warmhearted were combined), they do not explain how the adjectives and the clusters relate to adverse drug effects due to dextroamphetamine. Finally, in analyzing the free-choice Adjective Check List, results for males and females were combined and analyzed; no separate data for females were provided. Because the males received different dosages of dextroamphetamine, their data bias the results and render the combined analysis uninterpretable. Therefore, the results of the free-choice Adjective Check List cannot be used to support a claim that amobarbital reduces the incidence of dextroamphetamine side effects.

Nor do the results of the forced-choice Adjective Check List demonstrate a contribution of amobarbital. For this check list, male and female data were reported separately. There were no significant differences between women given 5 milligrams of dextroamphetamine and women given 5 milligrams of dextroamphetamine plus 30 milligrams of amobarbital. Although, as noted, the forced-choice Adjective Check List showed significant advantages for Dexamyl over dextroamphetamine in two relevant categories in males—"easygoing-relaxed" (more on Dexamyl) and "jittery-nervous" (fewer on Dexamyl)—this is meaningless because the Dexamyl males received less amphetamine than the dextroamphetamine males. Moreover, the same check list also showed that more males became "jittery-nervous" on placebo than on dextroamphetamine. This indicates a clear "no-test" situation and calls into question the validity and usefulness of the forced-choice Adjective Check List as a measurement of dextroamphetamine side effects.

(b) "Dexamyl Tablets (5 milligrams dextroamphetamine and 32 milligrams amobarbital) and Dextroamphetamine (5 milligrams dextroamphetamine) Mood Study in Thirty-Seven Overweight Women," J. C. Respess, unpublished study, 1973. This was a double-blind crossover study designed to test whether or not a psychological mood study could show differences between Dexamyl and dextroamphetamine; 39 female volunteers, all of whom were 20 percent or more overweight according to Metropolitan Life Insurance standards, participated in the study on 2 weekends. On the first Friday, the subjects were advised of the study procedure and completed a 50-item Adjective Check List. On Saturday morning, the subjects completed two additional Adjective Check Lists and filled out a 65-item Profile of Mood Status. After completing the second Adjective Check List, half of the subjects were given Dexamyl, and half dextroamphetamine; the two medications were identical in appearance. In the afternoon, subjects completed two Adjective Check Lists, received a second dosage of the respective medications, filled out two additional Adjective Check Lists and two additional mood status profiles. The routine was repeated on Sunday. Two weekends later the procedure was duplicated but the groups were crossed over to the other medication.

This study does not constitute substantial evidence of effectiveness within the meaning of § 314.111(a)(5)(i) because Dexamyl was not administered under the conditions of use recommended in its labeling and because, in any case, the results do not show that amobarbital reduces the side effects of dextroamphetamine.

Although Dexamyl was offered for daily use over a period of several weeks, the subjects received Dexamyl for only 2 days. Thus, there is no way to assess the effect of amobarbital when administered for the length of time suggested in Dexamyl's labeling (§§ 300.50(a) and 314.111(a)(5)(i)).

Similarly, there is no indication in the protocol or accompanying biostatistical analysis that the subjects were on a weight-reducing regimen. Since decreased food intake is the primary condition of use of Dexamyl, the drug must be studied in subjects who are on a calorie-restricted diet (§§ 300.50(a) and 314.111(a)(5)(*a*)(2)(*i*)).

The setting of this study was markedly different from that in which the medication would normally be taken (§§ 300.50(a) and 314.111(a)(5)(i)). In this regard, the author acknowledges that the results were influenced by the milieu of the sessions (companionship of others with similar weight problems, sharing motel rooms and meals and anticipation of being accepted in another upcoming weight-loss program), a milieu which he characterized as a "rather unusual socializing situation.

To summarize, it is meaningless to try to assess the contribution of amobarbital under conditions departing so radically from those recommended in the labeling.

Finally, the results do not provide any evidence that amobarbital reduces the the side effects of dextroamphetamine. The items on the Adjective Check List were categorized into groups called "active factor" and "drowsy factor." No significant differences between the medications were found in the "drowsy factor." Although significant differences were found by the author and SKF for the "active factor," neither the author nor SKF has shown how this finding supports the claims made by Dexamyl's labeling. Thus, as defined by the author, the "active factor" consisted of the following adjectives: active, alert, alive, attentive, careful, cheerful, clear-thinking, confident, energetic, friendly, good-natured and sociable. Smith, Kline and French characterized the "active factor" as a mood of "better feeling of well-being and a more business like attitude" and, alternatively, a "like work and like people" attitude. No information is provided on how these adjectives support the claim that amobarbital decreases excitation and wakefulness attributable to dextroamphetamine. In

fact, the author noted that no difference was evident between Dexamyl and dextroamphetamine with respect to a third factor, "stimulation," a factor which would appear more directly relevant to the excitation that may be caused by dextroamphetamine.

(c) "Double-Blind Multiple Investigator Clinical Study Comparing Dexamyl Tablets (5 milligrams dextroamphetamine and 32 milligrams amobarbital) to Dextroamphetamine (5 milligrams dextroamphetamine)," A. A. Conte, R. E. Noble, M. M. Perloff, J. C. Respess, and J. Schneyer, unpublished, 1973. In this series of investigations, 5 doctors following the same protocol each selected 30 anxious subjects who were at least 20 percent overweight according to Metropolitan Life Insurance tables. Anxiety was measured with the aid of an Anxiety Manifestation Index scale that listed five signs and symptoms of anxiety: agitation, anxiety, hyperactivity, motor disturbance, and tension. Patients who had no manifestation of a particular sign or symptom were rated zero; patients with very mild, mild, and moderate manifestation of a sign or symptom were rated one, two, and three respectively. Only patients who had a total score of four or more were admitted to the study. Once admitted, the subject's height, weight, body frame, age, sex, pulse and blood pressure were recorded. Thereafter, patients in each study were randomly divided into two groups and given an 8-week supply of either Dexedrine (5 milligrams dextroamphetamine) or Dexamyl (5 milligrams dextroamphetamine and 32 milligrams amobarbital). Neither the investigator nor the subject knew which medication was being taken. The subjects were told to follow a 1,200-calorie daily diet, to take three tablets each day and to return every 2 weeks, at which time adverse reactions, weight, blood pressure and pulse were recorded.

The purpose of these investigations was to ascertain by two criteria whether amobarbital contributed to the claimed effect by determining (1) whether fewer Dexamyl patients dropped out of the study than dextroamphetamine-treated patients, and (2) whether patients on Dexamyl experienced fewer adverse effects than those on dextroamphetamine.

These studies are not well-controlled within the meaning of § 314.111(a)(5) for a number of reasons. First, it should be recognized that the subjects selected were not appropriate for the purposes of the study in light of Dexamyl's labeling (§§ 300.50(a) and 314.111(a)(5)(ii)(*a*)(2)(*i*)). Dexamyl's labeling does not in any way indicate that the drug is recommended for anxious patients, yet only patients with anxiety were entered in the study. Results in this population cannot be used to demonstrate the effectiveness of Dexamyl in the population described in Dexamyl's labeling. The rationale for the combination of drugs in Dexamyl is that the amobarbital component will reduce side effects due to the dextroamphetamine component. Such side effects presumably occur in both anxious and nonanxious persons and selection of an arbitrarily chosen subpopulation must be explained. The choice of subjects has not been explained nor has SKF provided any evidence that results in the test population could be generalized to the population described in Dexamyl's labeling.

Even assuming that anxious patients were appropriate subjects for study, the multi-clinic study is not well-controlled. It fails to demonstrate that the subjects in test and control groups were comparable with respect to the incidence and degree of anxiety (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). Although randomization would in many instances assure such comparability, a check on the results of randomization is necessary for obviously pertinent variables: This is clear from § 314.111(a)(5)(ii)(*a*)(2)(*iii*), which requires that both the protocol for a study and the report of the study assure comparability of pertinent variables. The study is clearly deficient in that no such analysis was carried out. Moreover, this defect cannot be remedied by further analyses because the device used to measure anxiety, the Anxiety Manifestation Index, has not been validated and thus the study fails to explain the methods of observation and recording of results, including the variables measured, quantitation, and assessment of subjects' response (§ 314.111(a)(5)(ii)(*a*)(3)). (Validation refers to the demonstrated ability of a particular index to detect the condition sought to be determined, in this case, anxiety.) Because the Anxiety Manifestation Index is not a recognized measure of anxiety and because SKF has not provided any evidence to support its validity, there can be no assurance that the test and control groups were comparable with respect to either the incidence or severity of anxiety (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)).

Assurance of test and control group comparability is further precluded by the absence of evidence that each investigator had experience or training in applying psychological measuring scales. Without this information there is no assurance, even if the Anxiety Manifestation Index scale had been validated, that it was properly used by any of the investigators.

The absence of evidence of validation and proper utilization of the Anxiety Manifestation Index precludes a demonstration of group comparability and renders these studies, on their face, less than well-controlled (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*).

Methods of observation and recording of subjects' response are not explained (§ 314.111(a)(5)(ii)(*a*)(3)). No explanation is provided as to whether the investigators evaluated subjects solely on the basis of their own observations, or on the basis of questions asked the subjects, or both. This is particularly critical since SKF's own investigators (Feinblatt & Ferguson, supra) have acknowledged that soliciting adverse reaction information, instead of recording spontaneous comments, yields an unusually high incidence of side effects. As stated previously, this raises a question whether reported adverse effects were attributable to the drug or to subject susceptibility to physician suggestion. Furthermore, if evaluations were based on specific questions, it is not explained whether subjects were asked if they were experiencing specific adverse reactions (e.g., Did you experience insomnia on the medication?) or whether only general questions were asked (e.g., Did you experience anything unusual on the medication?). Where adverse reaction data are susceptible to physician suggestion, such information is essential in evaluating the results. The absence of specific information regarding the precise questions asked is also critical because we are not told whether, and if so what, attempts were made to detect adverse reactions possibly caused by amobarbital. As shown above, it is quite misleading to claim that dextroamphatamine's side effects are reduced if, as indicated in Dexamyl's labeling, the second componnt, amobarbital, is responsible for side effects of its own.

The necessity for more information about the methods of observation and recording of subjects' response is increased by use of the Anxiety Manifestation Index because the "adverse reactions" recorded by the investigators are in some cases the very signs and symptoms that constituted the basis for entering these patients into the study. Accordingly, there is no way to be sure, in the absence of a detailed explanation of methods of recording results, that a particular response is a true adverse reaction or mere persistence of a preexisting condition. In the Schneyer study, for example, the 11 "adverse reactions" on dextroamphetamine consisted (apart from 1 instance of diarrhea, 2 instances of insomnia—as noted earlier, insomnia does not require day-long use of a sedative—and 1 instance of tachycardia) of 6 instances of agitation and 1 of tension. "Agitation" and "tension" are two of the five anxiety parameters that make up the Anxiety Manifestation Index, which records that all of the people involved had some degree of agitation and tension prior to entering the study. It is not clear how Schneyer decided that agitation and tension were adverse reactions when the subjects had these conditions before taking any drug. It is possible he recorded as an adverse reaction every instance in which an element of the Anxiety Manifestation Index worsened compared to the pretreatment evaluation. Even this is not stated explicitly, however, and the scale may not have been used at all after initial selection of patients. In any case, it is not clear that an instance of one element worsening is a true adverse reaction. To consider such findings we must have some information regarding the spontaneous fluctuations of the elements of the Anxiety Manifestation Index over the 8-week period of the study. They almost certainly wax and wane spontaneously, so that it is not at all obvious, for

example, that a finding of "mild" tension or agitation at a particular follow-up visit in a patient who was rated as having a "very mild" tension or agitation prior to treatment should be considered a drug-related "adverse reaction." It may well have been a spontaneous fluctuation of the particular manifestation. A similar question is raised by recorded incidents of insomnia, a manifestation not listed on the Anxiety Manifestation Index. The invesigators should have stated, but did not, whether patients were asked if they had trouble sleeping prior to entering the study. If they were and the answer was "Yes," the insomnia could well have been another instance of a persisting, preexisting complaint.

In short, without a more detailed explanation of the method of eliciting and recording adverse reaction data and without documented information regarding the range of each patient's spontaneous fluctuations of the various symptoms, it is impossible to assess the validity or even interpret the results of this series of studies (§ 314.111(a)(5)(ii)(*a*)(3) and (*c*)).

These studies failed to assure comparability of test and control groups in another, highly pertinent variable: previous history of dextroamphetamine use (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). It is generally recognized that amphetamines as a class can produce both tolerance and dependence, as the labeling for Dexamyl acknowledges:

> Amphetamines have a significant potential for abuse. Tolerance and extreme psychological dependence have occurred. There are reports of patients who have increased dosage to many times that recommended. For these reasons, care should be used in the selection of candidates for 'Dexamyl' therapy * * *.

It is thus apparent that a subject's prior history of amphetamine use may affect not only the incidence of various side effects, but also the subject's perception of these side effects as adverse reactions. For example, a patient who finds the stimulatory effects of such drugs pleasurable, or at least not unpleasant, might report such effects differently from a patient who found them distressing, or might not report them at all. Although such patients are not per se unsuitable for study, it is obviously vital that test and control groups be comparable with respect to this variable. The exclusion by SFK of patients who had used drugs within 2 weeks of the studies' initiation does not provide such comparability but merely assures that there is no persisting drug effect in the persons studied.

In several respects, SKF failed to demonstrate that the data from the five investigators could be combined for statistical analysis because it was not shown that each block of patients, in any single study or in all five studies, was similar with respect to either the presence or the degree of anxiety (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). Because each investigator may have used widely varying criteria to measure anxiety, and because the effect of different degrees of anxiety on side effects is unknown, it is impermissible to pool the results of these investigators. A further obstacle to pooling is the investigators' failure to show that each block of subjects was comparable with respect to (1) prior history of amphetamine use, (2) the manner in which each investigator elicited adverse reaction data and/or (3) the method used to record adverse reactions.

In assessing the results of the multiple-investigator study, SKF concluded that "the data do not support the hypothesis that anticipated a lower dropout rate in favor of Dexamyl—approximately the same number of patients discontinued each medication before the end of the recommended 8-week study interval."

In support of the second hypothesis (that Dexamyl patients would experience fewer adverse reactions than dextroamphetamine patients), SKF claims that, for the combined analysis, only 19 percent (14 of 74) of the patients who used Dexamyl experienced adverse reactions while 34 percent (25 of 73) of the dextroamphetamine patients had adverse reactions. Smith, Kline and French claimed that this result is statistically significant, and also argued that the results of each individual study, separately examined, favored Dexamyl.

The Commissioner has already described many clear deficiencies in the individual studies making up the multi-investigator study. Because the combined analysis is the sum of these inadequately controlled studies, it can no more constitute an adequate and well-controlled study than they can, even if pooling of data had been justified by SKF. In addition, a multi-clinic study is still only a single study and, even if adequate and well-controlled, could not, standing alone, constitute substantial evidence of effectiveness within the meaning of section 505(b) of the act, which requires at least two such investigations. Moreover, the advantage of Dexamyl over dextroamphetamine in the combined analysis arises almost entirely from the Schneyer and Perloff studies, which are the two most seriously flawed studies in the series.

Smith, Kline and French argued that the results of each individual study, separately examined, favored Dexamyl. However, only in the Schneyer study (11 adverse reactions for dextroamphetamine patients and 5 for Dexamyl patients) did SKF argue that the results were statistically significant.

The Schneyer study has been discussed briefly above. Of the 11 dextroamphetamine adverse reactions, only 4 may have represented new symptoms in the patients involved: 2 instances of insomnia, 1 of tachycardia, and 1 of diarrhea. There is little reason to suppose, nor is it claimed by SKF, that amobarbital would prevent diarrhea, and this reaction is thus not relevant to Dexamyl. Also, as noted earlier, the presence of insomnia prior to the study cannot be determined and, in any case, insomnia is not an adverse effect that would justify all-day sedation; nocturnal sedation would be the appropriate treatment. The remaining seven "adverse effects" consist of agitation (six instances) and tension (one instance). The terms "agitation" and "tension" also happen to be two of the five parameters used to measure the patients' initial anxiety level and virtually all of the patients in the study had some degree of agitation and anxiety when they entered the study. Agitation and tension are thus not new findings in these patients. As noted above, it is unclear when or why Schneyer called agitation or anxiety (present in patients before any drug was given) an adverse reaction, but it is possible he did so when they appeared to become more severe during the course of the study. This is uncertain, however, and there is no evidence that a complete new Anxiety Manifestation Index was performed at each visit. Without such data, it is impossible to tell what the spontaneous fluctuation of the various parameters was and a minor change in a parameter, e.g., from "very mild" to "mild," is of uncertain significance; it certainly is not necessarily an adverse reaction and may represent mere spontaneous fluctuation. It is thus clear that the description of methods of observation in the Schneyer study is entirely insufficient to permit evaluation of the results of the study (§ 314.111(a)(5)(ii)(*a*)(3)). The Dexamyl group's five reported adverse effects included one diarrhea and one insomnia, as well as three worsenings of an element of the Anxiety Manifestation Index. When these variations of the rating scale elements are discounted, the adverse effects are few and obviously not significantly different for the two groups.

It is noteworthy that four other studies supposedly conducted using a protocol identical to Schneyer's gave results in no way resembling the Schneyer study. In any event, no single study can of itself constitute substantial evidence of effectiveness within the meaning of section 505(b) of the act, which requires at least two such investigations.

The Perloff study was, after Schneyer, the study that most favored Dexamyl, although not to a statistically significant degree (three adverse effects for dextroamphetamine and none for Dexamyl). The reported adverse effects were, in every case, "CNS stimulation," a term of uncertain meaning or significance, particularly in patients who were characterized, before receiving any medication, as agitated, anxious, and tense, i.e., who already showed "CNS stimulation." This constitutes an obvious failure to explain the "assessment of any subject's response" in § 314.111(a)(5)(ii)(*a*)(3). Moreover, the Perloff study is flawed by an extremely high (nearly 80 percent) dropout rate. Only two Dexamyl and three dextroamphetamine patients completed the entire 8-week study. Seven Dexamyl patients and three dextroamphetamine patients remained in the study for 2 weeks or less. Overall, the study appeared to favor dextroamphetamine in that patients on that drug stayed on therapy for a longer time.

The effects of this severe dropout rate (e.g., maintenance of comparability of pertinent variables (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)) were not analyzed, nor were the reasons for dropping out ascertained in most cases. The study is virtually uninterpretable and it cannot be considered remotely and adequate and well-controlled, either standing alone or as part of the pooled results.

The Respess and Noble studies each reported the same number of adverse effects for the Dexamyl and dextroamphetamine groups and thus do not suggest any benefit from amobarbital. Conte reported two adverse effects for the dextroamphetamine group, none for the Dexamyl group, but this was not a statistically significant difference.

Smith, Kline and French's attempt to interpret the Conte and Perloff studies more favorably for Dexamyl by counting the number of patients who had their doses reduced is meaningless. If doses were reduced because of an adverse reaction then the reaction should have been recorded; a dose reduction not accompanied by a recorded adverse reaction demonstrates the need for more detailed information regarding the method for identifying and recording this type of data.

Analysis of the individual studies thus reveals that each is fatally flawed in a number of ways and, in any case, that only one is even claimed to show a statistically significant advantage for Dexamyl. These flawed studies cannot be combined to produce a study that is any better than its inadequate parts. The multiclinic study is thus, whether analyzed as pooled data or an individual studies, not adequate or well-controlled, and cannot constitute or contribute to substantial evidence for the effectiveness of Dexamyl.

(d) "Double-Blind Comparison of Dexamyl Tablets (5 milligrams dextroamphetamine and 32 milligrams amobarbital) and Dextroamphetamine (5 milligrams dextroamphetamine) in Twenty Overweight 'Non-Anxious' Subjects," J. C. Respess, unpublished, 1973. With one exception, the author used the same protocol followed in the multiple investigator study in paragraph (c) above. The previous study admitted only those patients who had a score of four or more on the Anxiety Manifestation Index; only subjects who had a score of three or less, i.e., "Nonanxious" patients, were supposed to be admitted to this study.

Examination of patient report forms shows that the investigator failed to follow his own protocol. Of the 20 patients, 8 (40 percent) had anxiety scores exceeding 3 and thus, according to the author's own criteria, were not "nonanxious." Of course, as before, without a validated scale and without evidence that this investigator is trained and experienced in using such scales, there can be no assurance that the test and control groups were comparable with respect to either the incidence or degree of anxiety (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)).

Most important, the results of this study do not support the SKF claim because the author reported that of the 10 patients given dextroamphetamine only 1 experienced an adverse reaction whereas 2 of the 10 Dexamyl patients had adverse reactions.

It is noteworthy that this is a fifth study with substantially the same design as Schneyer's that fails to duplicate his results.

B. ANORECTIC EFFECT—CLINICAL INVESTIGATIONS

Many of these studies were reviewed above in section III.A., "Contribution of Amobarbital." The methodologies of these studies will be repeated here only insofar as they pertain to the anorectic claims.

1. *Elixir.* No data were submitted by SKF in support of the claimed anorectic effectiveness for this dosage form.

2. *Spansule capsules.* Four articles were identified by SKF to support the claimed anorectic effect of the Spansule capsules. These are evaluated below.

(a) "Anorexia and Central Nervous System Stimulation," T. M. Feinblatt and E. A. Ferguson, reviewed in section III.A.2. of this notice. This study was conducted to discover whether "dampening" the stimulatory effects of dextroamphetamine interfered with its anorectic effect.

The study is not, however, adequate and well-controlled because it does not permit quantitative comparison of the results of drug treatment with an appropriate control (§ 314.111(a)(5)(ii)(*a*)(*4*)) and because the study is grossly lacking in details necessary for scientific evaluation (§ 314.111(a)(5)(ii)(*c*)). The study design itself is faulty because failure to provide a washout period between drug treatments makes it impossible to determine whether any weight loss observed was due to Dexamyl or to the cumulative effects of the other active treatments, and comparison between treatments is impossible. It should be noted that SKF recognized the need for such a washout period in its analysis of the Bargmeyer and Bauer study (see paragraph (b) of this section below). In addition, the data are analyzed in such a way that weight loss on Dexamyl is never quantitatively compared to weight loss on placebo or any other drug. The authors' conclusion that "on the average, patients on active drug lost about a pound a week; some lost more, some less" does not refer specifically to the anorectic effectiveness of Dexamyl and does not permit any conclusions to be drawn as to whether Dexamyl patients lost more weight than placebo patients or for that matter, lost any weight at all. This casual means of presenting data is plainly inadequate to permit scientific evaluation (§ 314.111(a)(5)(ii)(*c*)).

Accordingly, the authors' conclusion that amobarbital does not compromise the appetite suppressant effects of dextroamphetamine is not, and cannot be, supported by this study.

The study is less than well-controlled for other reasons. The authors did not characterize the subjects under study with respect to the degree or etiology of obesity (§ 314.111(a)(5)(ii)(*a*)(2)(*i*)). Without these data there is no way to assure that subjects were suitable for the study. They also did not explain such fundamental methods of observation and recording of results as steps taken to minimize bias on the part of the analysts of the data, whether care was taken to weigh subjects at the same time of day, whether the same scales were used at each weighing, whether the same individual conducted each weighing in and/or whether menstrual cycles of females were considered (§ 314.111(a)(5)(ii)(*a*)(3) and (*4*)). These details cannot be overlooked in a study designed to measure weight loss.

(b) "An Anorectic-Tranquilizer Combination in the Treatment of Overweight," Captain E. Bargmeyer and Captain C. R. Bauer, unpublished study, 1964. A separate statistical critique was submitted by SKF for this study. This was a two-phase, double-blind study designed to test whether active medications were more effective than placebo. In the first phase (4 weeks in length), 163 of 234 overweight patients were randomly assigned to 2 weeks' treatment with either Dexamyl Spansule capsules (15 milligrams dextroamphetamine and 97 milligrams amobarbital) or Eskatrol Spansule capsules (15 milligrams dextroamphetamine and 7.5 milligrams prochlorperazine) and then switched to the other medication for the remaining 2 weeks. At the end of this 4-week period, each subject was asked for a drug preference (first or second drug) and was continued on the preferred drug for the second 8-week phase. As a control, 71 subjects were divided into 2 groups and treated with a placebo that matched Dexamyl or a placebo that matched Eskatrol, and then switched to the other placebo for 2 weeks. At the end of 4 weeks, these subjects were also asked for preference (which placebo) and instructed to continue it for the second 8-week phase. All subjects were instructed to take one capsule a day and to avoid high calorie foods.

(i) *Phase I.* The first phase of the study is not well-controlled because the study report does not include a method of assigning patients to treatment and control groups in a way that minimizes bias (§ 314.111(a)(5)(ii)(*a*)(2)(*ii*)). Usually this is accomplished by assigning patients to treatment and control groups in a random fashion, e.g., using a table of random numbers. Although the report indicates that patients receiving active treatment were assigned randomly to either Dexamyl or Eskatrol, there is no such assurance that the assignment was random between active drug and placebo groups. Although the details of how patients were assigned to active drug and control groups are not provided (itself a critical defect which renders the study clearly inadequate, (§ 314.111(a)(5)(ii)(*a*)(2)(*ii*)), the language of the report suggests that 168 patients were chosen and given the 2 active drugs in a crossover design and that a wholly separate group of 71 patients was selected and given placebos, also in a crossover design. This technique does not constitute any attempt to minimize bias, as is necessary

to preclude the possibility that an investigator might, consciously or unconsciously, assign individuals to the test drug group (Dexamyl) who, for one reason or another, would prejudice the results in favor of the test drug, e.g., assigning individuals to the Dexamyl group who show evidence of greater determination or who have had past success in weight loss programs.

The method of patient assignment fails to help assure that test and control groups were initially comparable with respect to pertinent variables, such as age, sex, degree of obesity, prior history of weight loss and history of amphetamine use (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). Moreover, no analysis was provided comparing distribution of such variables in the two groups, as is clearly required by regulation, which states that both the protocol for the study and the report of the study must assure comparability of pertinent variables (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). Accordingly, there can be no assurance that observed effects were attributable to the test drug rather than to one or more of the variables that may have been unevenly distributed between the groups.

The authors also failed to conduct a second followup analysis to show that test and control groups were still comparable at the conclusion of the first phase (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). This is necessary to ensure that the high dropout rate during this phase (31 of 71 placebo patients and 48 of 163 patients on active medications) did not alter the composition of the test and control groups with respect to pertinent variables.

The authors did not explain the methods of observation and recording of results within the meaning of, and as required by, § 314.111(a)(5)(ii)(*a*)(*3*). For example, no explanation is provided as to whether or not care was taken to weigh patients at the same time of day, whether subjects were consistently weighed with or without clothes, whether the same individuals conducted each weighing, and/or whether menstrual cycles of females were taken into account. Without this information, it is difficult to assess the accuracy and/or reliability of the data. Nor should these details be omitted in a study designed to measure weight loss.

The authors claim that first phase average weekly weight loss with active drugs was approximately three times that of placebo, but no actual numbers are provided and neither SKF nor the authors have provided a statistical analysis to determine whether these findings are statistically significant (§ 314.111(a)(5)(ii)(*a*)(*5*)). In any event, SKF appears to doubt that the results of the first phase can be used to support the claimed anorectic effectiveness of Dexamyl because the firm states in its report that "four weeks is not long enough to conduct a weight regimen program."

(ii) *Phase II.* The second 8-week phase of the study is also not well-controlled because, like the first phase, it failed to assign patients to test groups in a way that minimizes bias and assures comparability of treatment and control groups with respect to pertinent variables (§ 314.111(a)(5)(ii)(*a*)(2)(*ii*) and (*iii*)). It has already been pointed out that patients do not appear to have been assigned randomly to the active drug and placebo groups in Phase I, nor was the comparability of the groups with respect to pertinent variables assessed. The second phase used the patients who had completed the first phase (almost one-third of the Phase I patients had dropped out of the first phase) and then reassigned them, but, again, not in random fashion. In fact, SKF stated in its analysis of the second phase, "patients were not randomly assigned to the drugs." Patients were allowed to select their treatment on the basis of personal preference. During the second phase, an additional 60 patients, nearly 40 percent of those who started the phase, dropped out before the study was completed. Such dropouts could easily upset whatever group comparability existed at the start of this phase. Despite this, comparability of the two groups was not analyzed.

The second phase of the study, like the first, did not explain methods of observing and recording results (§ 314.111(a)(5)(ii)(*a*)(*3*)), the statistical methods used (§ 314.111(a)(5)(ii)(*a*)(*5*)), or measures taken to minimize bias on the part of the analysts of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)).

The authors report that during the 8-week period of the second phase, Dexamyl patients lost an average of 1.29 pounds per week, while placebo patients lost an average of 0.88 pound per week. For the entire 12-week study both the authors and SKF claimed that average weight loss with the two combinations was almost equal and that the difference between weight loss with drugs and weight loss with placebo was statistically significant. However, since the study was not well-controlled for the reasons detailed above, neither the study nor SKF's supplemental critique provides substantial evidence to support the claim that Dexamyl is an effective anorectic.

The separate statistical critique submitted by SKF raises more questions than it answers when it states "the authors' [sic] chose to omit some of the data," and when it states there were some "minor disagreements in numbers because all the little decisions that are needed to summarize clinical data were not recorded." Moreover, the SKF critique provides different numbers (than the authors) for patients entered into the study (168 on active drug rather than 163), for the number of dropouts at the end of 4 weeks (53 rather than 48), and for the number of patients who generated final results (157 active drug patients rather than 115, and 65 placebo patients rather than 40). These differences are not explained. In view of these representations by SKF, in view of the different figures presented by the two reports, and in view of the total absence of raw data, neither the study nor SKF's statistical analysis is acceptable even as corroborative support for a well-controlled study (§ 314.111(a)(5)(ii)(*c*)).

(c) "A Comparison of Prolonged-Release Amphetamine-Barbiturate Combinations in the Short-term Management of Obesity," F. P. Roland, "Clinical Medicine," pp. 805–809, May 1965. In this crossover study designed to compare 2 amphetamine-sedative combinations, 100 obese subjects were divided into 2 equal groups and assigned either Dexamyl (10 miligrams dextroamphetamine and 65 milligrams amobarbital) or another combination (10 milligrams methamphetamine HC1 and 60 milligrams pentobarbital sodium) for a period of 2 weeks. At the end of 2 weeks, the subjects were crossed over to the other medication. Subjects selected their own diets and were told to take one capsule daily.

This study is clearly deficient in that it does not provide a comparison of the results of treatment with an appropriate control (§ 314.111(a)(5)(ii)(*a*)(*4*)). The regulations provide for several kinds of control including an "active treatment control," i.e., an "effective regimen of therapy." The comparison treatment in this study, however, is not such an effective regimen. Although the Commissioner has recognized that methamphetamine and dextroamphetamine, when used as single entities, are effective anorectic agents (as set forth in the revision of § 310.504 published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4248)), he has made no such finding for anorectic combinations generally or for the specific methamphetamine-pentobarbital combination used in this study. It is thus of no use whatsoever to compare Dexamyl to this combination drug whose anorectic effectiveness has not been established.

The author failed to state what steps, if any, were taken to minimize bias on the part of the subjects, observers, or analysts of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)). For example, there is no indication whether this study was conducted under double-blind or single-blind conditions, or whether, as SKF states in its summary, nonblind conditions prevailed, i.e., both patients and investigators knew which medication was being given. To rule out the possibility of introducing physician encouragement and/or subject expectations as causes of weight loss, it is desirable that anorectic trials be double-blind.

Finally, SKF admits that this study is not a well-controlled clinical investigation.

(d) "The Use of a Sustained-Release d-Amphetamine-Amobarbital Preparation in the Treatment of Obesity," R. P. Shapiro and K. I. Michaile, "International Record of Medicine and General Practice Clinics," pp. 638–641, October 1956. In this double-blind, crossover study, 39 obese patients were placed on a low calorie diet (1,000 to 1,400 calories) for periods ranging from 2 to 18 weeks (average, 8 weeks) depending upon how well they accepted and responded to the

restricted diet. At the end of the dieting period, patients were divided into two groups and given either Dexamyl Spansule capsules or an identical looking placebo for 8 weeks and then switched to the other treatment for 8 weeks.

This study is not well-controlled because the authors have failed to assure that test and control groups were comparable with respect to such pertinent variables as age, sex, duration or degree of obesity, concurrent use of other drugs and, most important here, the length of time that a patient was in the diet-alone phase of the study (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). Although group comparability is often not a serious problem in a crossover study, as any differences between groups are cancelled out by the crossover, this is not the case when there is an effect of sequence of drug administration on results. In an anorectic study as long as 16 weeks, it is well known, and the authors themselves recognize, that weight loss becomes more difficult to achieve as therapy is prolonged. Thus, as the greatest weight reductions are anticipated in the first phase when patients are more enthusiastic and determined, the weight losses achieved in the second phase will necessarily comprise less of the total weight losses, i.e., the combined weight losses for each group will be "weighted" more heavily by results from the first phase. It is thus critical that the patient groups entering the first phase be comparable, or alternatively, that the study be analyzed to show that there is no effect of sequence. For example, if patients who received Dexamyl first averaged only 6 weeks on diet alone (before taking Dexamyl) while the patients receiving placebo first averaged 10 weeks on diet alone (before taking placebo), a finding of greater weight loss for Dexamyl in the first phase of the study may not be due to Dexamyl's superiority. It might be due to the fact that the enthusiasm for dieting of the patients on diet had been sapped by their more prolonged attempts at weight loss. This would not be "cancelled out" by the second 8-week treatment period because by then the weight loss for all groups would be expected to diminish.

The authors did not explain what steps, if any, were taken to minimize bias on the part of analysts of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)). For a study to be well-controlled, bias must be precluded at each stage. It is of little use to "blind" patients and observers of data if the analysts are allowed (consciously or unconsciously) to introduce bias in their presentation of the data. Analyst bias may easily be avoided by withholding the identity of the treatment (e.g., drug "A" and drug "B") until all subjective decisions have been made. The authors also did not provide any explanation of their methods of statistical analysis (§ 314.111(a)(5)(ii)(*a*)(*5*)). For example, they stated that patients on Dexamyl lost an average of 0.499 pound per week, and patients on placebo lost an average of 0.333 pound per week, a difference claimed to be statistically significant though "not very great"; but they did not bother to state the level of probability for statistical significance. Omission of this detail is incomprehensible and the term "statistically significant" is meaningless without reference to a probability level.

Similarly, in spite of the fact that order of drug administration was recognized as probably influencing the results, the authors have not presented any statistical analysis showing how the results were affected by this factor or showing that they were not affected (§ 314.111(a)(5)(ii)(*a*)(*5*)). The bare conclusion, unsupported by raw data or any details, that "active medication was more effective than the placebo in 21 of the 39 patients and its superiority was evident whether it was given before or after placebo therapy" is grossly inadequate. How many of the 21 patients for whom Dexamyl was more effective received it first? Obviously, if the majority received Dexamyl first, then as shown above, the result may well have been attributable to when the patient received the drug rather than the drug itself.

Finally, the study is lacking in the details which permit scientific evaluation (§ 314.111(a)(5)(*ii*)(*c*)). As noted above, rudimentary details of results and analysis are not provided, nor are the characteristics of the patients described. For example, the actual interim and final weights for individuals and even groups are omitted; only the average weekly weight loss is given. Details relating to methods of observation and recording of results; including whether care was taken to weigh subjects at the same time of day, whether the same scales were used, whether menstrual cycles of females were considered, or whether care was taken to consistently weigh subjects with or without clothes were also omitted (§ 314.111(a)(5)(ii)(*a*)(*3*)). This information should not be overlooked in any study designed to measure weight loss. Its absence becomes more important for evaluation of this study where the difference in weight loss was 0.166 pound.

3. *Tablets.* In support of the claimed anorectic effect of this dosage form, SKF identified three articles and two clinical studies. The articles are reviewed in full while the clinical studies, already reviewed above, will only be discussed insofar as they pertain to the anorectic claims.

(a) "A Study of the Effectiveness of Certain Anorexigenic Agents," J. F. Fazekas, W. Ehrmentraut and J. Kleh, "American Journal of Medical Science," pp. 692, 699, December, 1958. The relevant portion of this investigation was a double-blind study in which 43 mentally deficient, obese subjects were divided into 3 approximately equal groups according to sex, intelligence quotient, height and initial weight. The first group received phenmetrazine (25 milligrams), the second received Dexamyl tablets, and the third received placebo. All medications were given twice a day for the first 12 weeks; thereafter, for the next 16 weeks, dosage was doubled for patients who showed little or no weight loss. All patients were placed on a diet of approximately 2,700 calories per day. Weights were recorded at 4-week intervals.

Even if Dexamyl had been found effective in this study, the results cannot be considered adequate for approval of a new drug application because the drug was not studied under the conditions of use recommended in Dexamyl's labeling (§§ 300.50(a) and 314.111(a)(5)(i)). For example, patients who had their dosages doubled were receiving four tablets a day although Dexamyl's labeling recommends two or three tablets a day. Similarly, although the labeling for Dexamyl recommends use "as a short term (a few weeks) adjunct in a regimen of weight reduction," these patients were kept on treatments for approximately 7 months. Because the authors did not provide data on interim weight losses it is impossible to determine what anorectic effect, if any, the drug would have when used in accordance with the directions on the label.

In any event, despite the higher dose of medication and prolonged duration of therapy, the study failed to show a statistically significant difference between Dexamyl and placebo although it did show that phenmetrazine was effective compared to placebo.

There is no analysis of whether Dexamyl and phenmetrazine were different to a statistically significant degree, but from the data provided it appears they were not. Thus we have three findings: (1) Dexamyl was not better than placebo to a statistically significant degree, (2) Dexamyl was not different from phenmetrazine to a statistically significant degree, and (3) phenmetrazine was better than placebo to a statistically significant degree.

Although the study is not useful in demonstrating the effectiveness of Dexamyl, it illustrates the pitfalls of the positive control study. Had no placebo group been included, the conclusion might have been reached that the study showed Dexamyl to be an effective anorectic, a conclusion clearly not warranted by the study results. As will be discussed below, use of a potitive control to reach a conclusion that two drugs are not different requires an analysis of the power, i.e., sensitivity, of the statistical test used.

(b) "The Treatment of Obesity with an Anorexigenic Drug," E. Roberts, "Annals of Internal Medicine," Vol. 34, No. 6, pp. 1324–1330, June 1951. Dexamyl was given for 3 months to 64 patients (4 men and 60 women) who had failed to lose weight while under supervision at various clinics and private practice for 6 months. Each patient was instructed to follow the same diet recommended previously, which ranged from 1,000 to 1,800 calories per day. Patients were examined biweekly for the first month, and then at 1-month intervals.

This study is not well-controlled because the results of therapy with the test drug were not compared to the results in a control group (§ 314.111(a)(5)(ii)(*a*)(*4*)). Accordingly, it is impossible to determine whether weight loss was related to Dexamyl, to the overall program of diet, to physician contact and encour-

agement, or to the placebo effect of pill-taking. The patients' varied experience at clinics and in private practice during the preceding 6 months cannot be considered an adequate control because many conditions (such as the degree and nature of physician contact and encouragement) in addition to medication, were necessarily changed during the study.

Moreover, since there was no control group, the physician was aware of the patients' medication, i.e., the study was "unblinded," and she may well have transmitted her favorable expectations to patients or introduced bias into the study in other ways. For example, the author, without any explanation, excluded from her calculations five patients who failed to show a satisfactory weight loss, thereby biasing the results in favor of Dexamyl. Obviously, an accurate picture of drug efficacy requires inclusion of treatment failures as well as successes. The regulations clearly require that some measures, preferably "blinding," be taken to minimize bias on the part of the observer and analyst of the data (§ 314.111 (a) (5) (ii) (*a*) (*3*) and (*4*)).

The absence of a placebo control group renders the study clearly incapable of demonstrating whether weight loss was related to Dexamyl or to the placebo effect associated with any pill-taking (§ 314.111(a) (5) (ii) (*a*) (*4*)). Thus the finding that 59 of the 64 subjects lost an average of 19 to 26 pounds at the end of 3 months, a "satisfactory" weight loss, does not constitute evidence of Dexamyl's effectiveness.

In any event, SKF does not claim the study is well-controlled.

(c) "The Use of Mood Ameliorating Agents in the Treatment of Psychogenic Obesity," P. Rosenberg, "American Practitioner and Digest of Treatment," Vol. 4, No. 12, pp. 818–820, December 1953. This investigator selected 94 obese, depressed, nervous patients and treated them with varying dosages of Dexamyl for periods ranging from 3 to 14 weeks. Patients were examined at weekly intervals and instructed to continue their recommended diet.

This study is clearly deficient because it lacks any comparison of the results of treatment with a control (§ 314.111(a) (5) (ii) (*a*) (*4*)). In the absence of such a control group it is impossible to distinguish drug effect from the placebo effect of pill-taking and/or from the effect of the overall program.

The investigator failed to use the drug in a manner prescribed by Dexamyl's labeling: 36 patients received twice the recommended maximum dosage and 16 other patients received undefined extra dosages (§§ 300.50(a) and 314.111(a) (5) (i)). Because the author failed to provide individual dosage or weight loss data, there is no way to identify and separate the double dosage patients.

Although the investigator stated that "other therapy was given when indicated," he failed to identify either the type of therapy given or the patients who received such therapy. Accordingly, there can be no assurance that the results were not attributable to modalities other than Dexamyl (§ 314.111(a) (5) (ii) (*a*) (*2*) (*iii*)).

The findings were so lacking in detail that scientific evaluation is impossible (§ 314.111(a) (5) (ii) (*c*)). For example, although the investigator concluded that "satisfactory weight loss was observed in all but one patient," he failed to define the criteria for "satisfactory." The investigator's attempt to relate weight loss to the claimed effect of Dexamyl on mood was equally meaningless (e.g., "markedly beneficial" patients lost an average of 3.0 pounds per week, "perceptibly improved" patients lost 2.5 pounds per week and "non-beneficial and adverse" patients lost 1.5 pounds per week) since he failed to define the criteria for the moods, failed to state how the moods were ascertained, failed to state how many patients comprised each group, and failed to offer any interim or final raw weight loss data.

In any event, SKF does not claim the study is a well-controlled clinical investigation.

(d) "Double-Blind Multiple Investigator Clinical Study Comparing Dexamyl Tablets to Dextroamphetamine," A. A. Conte, R. E. Noble, M. M. Perloff, J. C. Respess and J. Schneyer, reviewed above in section III.A.3.(c) of this notice. In this series of five studies SKF attempted to prove that Dexamyl is an effective anorectic agent by showing its equivalence to dextroamphetamine, an "active" control drug. Each investigator selected 30 obese, anxious patients, and randomly assigned them to 2 groups, dextroamphetamine or Dexamyl. Patients were weighed every 2 weeks for a period of 8 weeks and told to follow a 1,200-calorie daily diet.

This series is inherently incapable of establishing the anorectic effectiveness of Dexamyl since the active control used, dextroamphetamine, does not permit a quantitative evaluation of the effects of Dexamyl (§ 314.111(a) (5) (ii) (*a*) (*4*)). Because the anorectic effect of dextroampetamine is only marginal to begin with, (i.e., its advantage over placebo is small), and because its anorectic effect is highly variable, its effectiveness is not demonstrable in every study (see the FEDERAL REGISTER of February 12, 1973 (38 FR 4249). Therefore, before a finding of anorectic equivalence of dextroamphetamine and Dexyamyl in a particular study can be considered as evidence of the effectiveness of Dexamyl, it must be demonstrated that dextroamphetamine was in fact effective under the precise conditions of the study, e.g., by including a placebo control in the study. This series failed to include a placebo control or otherwise show that dextroamphetamine was in fact effective under those circumstances. Accordingly, a finding of "no difference" between Dexamyl and dextroamphetamine in a particular study can mean either that both were effective or that neither was effective in that study.

Moreover, even if it were contended that dextroamphetamine was a meaningful active control (i.e., that it was actually effective in these studies), the failure of SKF to include an appropriate statistical analysis, namely an analysis of the power of the statistical tests used, renders scientific evaluation impossible (§ 314.111(a) (5) (ii) (*a*) (*5*)).

The necessity for such a statistical test arises out of the fundamental difference between a study that attempts to show that a drug is better than a placebo control and one that attempts to show that a drug is as good as an active or positive control.

In a placebo-controlled study the relevant questions are: Did the drug-treated group respond differently from the placebo group, and, if so, was the difference statistically significant? A significant difference is usually defined, by convention, as less than 1 chance in 20 ($p \leq 0.05$) that the observed difference was due to chance alone. In a study that uses an active control the relevant questions are: Did the test group respond as well as the active group and, if so, was the study sufficiently sensitive to detect a difference between the two drugs if one existed? This second question is not addressed by SKF.

Because there are many elements in an active-control study that may prevent detection of a difference that really exists (e.g., too few subjects in the sample, insensitive measuring devices, large patient-to-patient variation in treatment response), a finding of drug equivalence may indicate only that the study was not sufficiently sensitive to detect a difference between the drugs.

The probability of detecting a difference between test and control drugs when they differ by some specified amount is called the "power" of a statistical test and is a critical part of the analysis of positive control studies. To illustrate with an example: If a study had only a 50 percent change (power=0.5) of detecting a 50 percent difference between two drugs, a failure to find a statistically significant difference between treatments would mean little.

In view of the small size of the sample per study (30 patients), the known high variability of patient-to-patient response to anorectic drugs and the very modest weight loss achieved (about 1 pound per week on the average), all of which would render it difficult for the studies to show a difference between Dexamyl and dextroamphetamine, the failure of SKF to conduct a power of the test analysis further precludes scientific evaluation of this study.

In addition, the authors failed to assure comparability between test and control groups with respect to each subject's prior history of amphetamine use (§ 314.111(a) (5) (ii) (*a*) (*2*) (*iii*)). Inasmuch as Dexamyl's labeling recognizes that anorectic tolerance may develop with continued use of the drug, this failure, by itself, renders the studies not well-controlled. In the absence of a demonstration that test and control groups

in each study were comparable with respect to this variable, a showing of equivalent weight loss for the Dexamyl group in a study may reflect either effectiveness of Dexamyl or the fact that the dextroamphetamine group had acquired an anorectic tolerance for amphetamine drugs and no longer responded to them.

The authors and SKF also failed to state what steps, if any, were taken to minimize bias on the part of the analysts of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)). Steps must be taken to preclude the possibility of analyst bias (either conscious or unconscious), since it may cause them to make subjective decisions that vitally affect the results of the study, e.g., whether or not to include all patients in the analysis or only those who completed the entire 8 weeks.

Finally, the authors did not explain the methods of observation and recording of results (§ 314.111(a)(5)(ii)(*a*)(*3*)). For example, they do not state whether care was taken to weigh patients at the same time of day, whether subjects were consistently weighed with their clothes on or off, whether the same individual conducted each weighing in each investigation, whether all investigations followed the same procedures, and whether the menstrual cycles of women were taken into account. This last factor is important because fluid retention often accounts for large fluctuations in weight and because 110 of the 120 subjects in this series were females.

Smith, Kline and French presented its conclusions in two ways. The first was the investigator's global effectiveness ratings ("excellent," "good," "fair," and "poor") which in turn were based upon a comparison of the patient's actual weight loss against the patient's expectations of how much weight he or she wanted to lose. Smith, Kline and French concluded that Dexamyl and dextroamphetamine were equivalent when measured in this manner. However, because the expectations were entirely subjective and because there was no showing that the two groups in each study and for all studies were initially comparable in their expectations, it is impossible to draw any meaningful scientific conclusions by this analysis (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)).

In a second, less subjective approach, SKF compared prestudy body weights with body weights at each 2-week interval and with final weights at the end of 8 weeks. This analysis was carried out for four of the five studies individually and then combined. Dr. Perloff's data were not included because patient followups were inadequate.

Analysis of the individual studies showed that in two studies (Noble and Repress), dextroamphetamine patients lost more weight than Dexamyl patients; in two other studies (Conte and Schneyer), Dexamyl patients lost more. In the combined analysis, after 4 weeks, dextroamphetamine patients lost significantly more weight than Dexamyl patients and this difference was statistically significant. After 8 weeks dextroamphetamine patients lost slightly more weight than Dexamyl patients.

Neither the individual nor the pooled results can demonstrate that Dexamyl is an effective anorectic agent, or even that it is equivalent to dextroamphetamine, because of the critical deficiencies described above which render the study inadequately controlled: failure to show that dextroamphetamine was in fact effective in this series, failure to analyze the power of the statistical tests used, failure to assure group comparability, failure to set forth steps taken to minimize analyst bias, and failure to explain the methods of observation and recording of results. The results of the pooled analysis are unacceptable for the additional reason that SKF did not demonstrate that the data from the four studies could be combined for statistical evaluation (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)).

Although the Commissioner does not in any way base his summary rejection of this study on his interpretation of the results obtained in the multi-investigation study, he believes that, even if the studies were well-controlled, the results are at best inconclusive. For example, the fact that there was a statistically significant difference in weight loss favoring dextroamphetamine at the end of 4 weeks may well indicate that Dexamyl is in fact less effective than dextroamphetamine when used as directed in its labeling, i.e., "as a short-term (a few weeks) adjunct" in a weight reduction program.

(e) "Double-Blind Comparison of Dexamyl Tablets (5 milligrams dextroamphetamine and 32 milligrams amobarbital) and Dextroamphetamine (5 milligrams dextroamphetamine) in Twenty Overweight 'Non-Anxious' Subjects," J. C. Respess, reviewed above in section III.A.3.(d) of this notice. This study followed the same protocol as the just-received multiple investigator study except that subjects were supposed to have an anxiety score of three or less (the multiple investigator study used only subjects with a score of four or more).

This study is not a well-controlled clinical investigation for reasons identical to those cited in the review of the multiple-investigator study. Most important is the absence of a placebo control which prevents a determination that either dextroamphetamine or Dexamyl was effective under the conditions of this study and at the same time precludes a quantitative comparison of the results of Dexamyl treatment with an appropriate control (§ 314.111(a)(5)(ii)(*a*)(*4*)).

IV. Summary

A. *Elixir.* Smith, Kline, and French submitted no data to support the claimed anoretic effectiveness or the claimed decrease in excitation and wakefulness for this dosage form. It is obvious, therefore, that there is a genuine and substantial issue of fact and that the Commissioner must refuse to approve the NDA for this product.

B. *Spansule capsules.* Smith, Kline and French submitted only one study using this dosage form (Feinblatt & Ferguson, in section III.A.2. and B.2. of this notice) to support the claim that amobarbital reduces the side effects caused by dextroamphetamine. As shown above, the study did not explain the manner in which data was collected and assessed (§ 314.111(a)(5)(ii)(*a*)(*3*)), the steps taken to minimize bias on the part of the analyst of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)), or the methods of data analysis (§ 314.111(a)(5)(ii)(*a*)(*5*)). In short, it lacks the details necessary for scientific evaluation (§ 314.111(a)(5)(ii)(*c*)). Of course, even if the study were well-controlled, one study cannot constitute substantial evidence (section 505(b) of the act).

Four studies were identified by SKF to support the claimed anorectic effectiveness for the Spansule capsule dosage form. None of these meet the criteria for well-controlled clinical investigations.

The Feinblatt study, in addition to providing few of the details needed for scientific evaluation (§ 314.111(a)(5)(ii)(*c*)), failed to provide a drug-free period between treatment periods, making it impossible to differentiate the anorectic effect of the various drugs used from those of Dexamyl (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). More important, the authors' evaluation of data lumped results for all "active" drugs together, so that Dexamyl was never specifically compared to any control (§ 314.111(a)(5)(ii)(*a*)(*4*)).

The Bargmeyer study (see section III.B.2.(b) of this notice) also did not provide a drug-free period between treatments. Most important, the investigators did not assign patients to treatment and control groups in a manner that would minimize bias (e.g., randomly) nor in a manner that assured comparability with respect to pertinent variables (§ 314.111(a)(5)(ii)(*a*)(2)(*ii*) and (*iii*)). They also failed to explain the methods of observing and recording data (§ 314.111(a)(5)(ii)(*a*)(*3*)).

The Roland study (see section III.B.2.(c) of this notice) compared Dexamyl to another amphetamine-sedative combination, but not to placebo. Since neither combination is known to be an effective anorectic, this study does not permit a meaningful quantitative comparison of results and plainly cannot demonstrate effectiveness for either drug (§ 314.111(a)(5)(ii)(*a*)(*4*)(*iii*)).

The Shapiro study (see section III.B.2.(d) of this notice) failed to assure test and control group comparability with respect to a variable (duration of therapy prior to receipt of drug) which, by the authors' own admission, was highly pertinent (§ 314.111(a)(5)(ii)(*a*)(2)(*iii*)). The authors did not describe the methods of analysis used or the level of probability at which statistical significance was found (§ 314.111(a)(5)(ii)(*a*)(*5*)), nor did they explain methods of observing and recording data essential in evaluating an anorectic trial (§ 314.111(a)(5)(ii)(*a*)(*3*)).

If SKF is to be granted a hearing for this dosage form, it must show that a genuine and substantial issue of fact exists as to both the anorectic claim and

the claim that amobarbital reduces wakefulness and excitation attributable to dextroamphetamine. Since SKF has failed to submit any adequate and well-controlled clinical investigations to support either claim, it is clear that it is not entitled to a hearing regarding the Spansule capsule dosage form. Indeed, since only one study was offered to support the claimed contribution of amobarbital, it is unnecessary to examine the other data.

C. *Tablets.* Smith, Kline and French identified four studies to support its claim that amobarbital, in this dosage form, reduces the excitation and wakefulness caused by dextroamphetamine.

The Cameron study (see section III.A.3.(a) of this notice) was obviously incapable of showing that amorbarbital reduces adverse reactions caused by the principal active component, dextroamphetamine, because test and control groups were not comparable with respect to the amount of dextraomphetamine (§ 314.111(a)(5)(ii)(*a*)(*4*)). Furthermore, Dexamyl was administered only once to each patient (as opposed to two or three times a day as the labeling suggests) and none of the patients were either obese or on a calorie-restricted diet. Accordingly, no conclusions can be reached concerning the effects of Dexamyl when used as labeled (§ 314.111(a)(5)(i)).

The Respess (mood) study (see section III.A.3.(b) of this notice) did not test the drug under the conditions recommended in its labeling since patients received medication for only 2 days as opposed to a period of several weeks (§§ 300.50(a) and 314.111(a)(5)); did not assure that patients were suitable for the study since it does not appear that they were obese (§ 314.111(a)(5)(ii)(*a*)(*2*)(*b*)); and did not consider the adverse effects mentioned in Dexamyl's labeling but instead focused on mood changes that were of unestablished relationship to adverse effects.

The other Respess study (nonanxious) (see section III.A.3.(d) of this notice) reported fewer side effects for dextroamphetamine patients than for Dexamyl patients.

The multiple investigator series (see section III.A.3.(c) of this notice) failed to assure that patients were appropriate for the study since only anxious patients were tested whereas Dexamyl's labeling makes no claim to treat such a population (§ 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). And, even assuming the propriety of the population, the study did not and cannot demonstrate test and control group comparability with respect to either the incidence or degree of anxiety, or prior history of amphetamine use (§ 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). The investigators did not explain the manner in which adverse effect data were elicited from the subjects (§ 314.111(a)(5)(ii)(*a*)(*3*)). For example, they did not explain whether patients were asked specific questions and, if so, the nature of the questions, whether the physicians recorded their personal observation of patient behavior or instead, the patients' self-evaluation, as gleaned from their spontaneous comments. In one study the "adverse reactions" reported appear to be the same manifestations of anxiety that were present even before the study began. The authors also failed to explain whether attempts were made to detect adverse reactions caused by amobarbital or how, if at all, they distinguished between true adverse reactions and spontaneous fluctuations of anxiety symptoms listed in the Anxiety Manifestation Index used to select patients at the beginning of the study. Without this information it is impossible to evaluate the findings of a study designed to determine the incidence and severity of adverse reactions (§ 314.111(a)(5)(ii)(*c*)).

In any event, even if the series were well-controlled, the results cannot provide substantial evidence to support the SKF claim that amobarbital significantly reduces wakefulness and excitation caused by dextroamphetamine since only one investigator, Schneyer, reported a significant reduction in side effects. A single study cannot be considered substantial evidence of effectiveness since section 505(b) of the act requires more than one such study. The same holds true if SKF elects to combine the data; it still represents a single study.

SKF submitted five studies to support the claimed anorectic effectiveness of Dexamyl tablets.

The Fazekas study (see section III.B.3.(a) of this notice), the only study using a placebo as well as a positive control, concluded that Dexamyl was no better than placebo.

The Roberts study (see section III.B.3.(b) of this notice) did not include a control group so there is no way to quantitatively compare the results of Dexamyl with results in a control (§ 314.111(a)(5)(ii)(*a*)(*4*)). Smith, Kline and French does not claim the study is a well-controlled clinical investigation.

The Rosenberg study (see section III.B.3.(c) of this notice) also failed to include a control group of any kind (§ 314.111(a)(5)(ii)(*a*)(*4*)). The investigator also did not test the drug under the conditions of use recommended in Dexamyl's labeling (§§ 300.50(a) and 314.111(a)(5)(i)). Smith, Kline and French does not claim the study is a well-controlled clinical investigation.

The multiple investigator study did not use an appropriate control (§ 314.111(a)(5)(ii)(*a*)(*4*)). Use of dextroamphetamine as an active treatment control, without a placebo control as well, is unacceptable because there was no showing that it was in fact effective under the precise conditions of these studies. Dextroamphetamine, while effective, is not demonstrably effective in every study. Accordingly, the conclusion that Dexamyl and dextroamphetamine were equivalent could mean either that both were effective or that neither was effective. Even if it had been shown that dextroamphetamine was effective in these studies, SKF failed to conduct the kind of statistical analysis essential to a meaningful evaluation of a study with an active control (§ 314.111(a)(5)(ii)(*a*)(*4*)). The study also failed to assure comparability between test and control groups with respect to previous history of amphetamine use (§ 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)), did not set forth what steps, if any, were taken to minimize bias on the part of analysts of the data (§ 314.111(a)(5)(ii)(*a*)(*4*)), and did not explain relevant methods of observing and recording data (§ 314.111(a)(5)(ii)(*a*)(*3*)).

The Respess (nonanxious) study, which essentially followed the same protocol as the multiple investigator studies, is not well-controlled for the same reasons. Additionally, SKF did not draw any conclusions or offer any statistical analysis to evaluate the data generated by the study (§ 314.111(a)(5)(ii)(*a*)(*5*)).

If SKF is to be granted a hearing for the tablet dosage form, it must demonstrate the existence of a genuine and substantial issue of fact regarding both the anorectic claim and the claim that amobarbital significantly reduces side effects caused by dextroamphetamine. Inasmuch as SKF has failed to identify substantial evidence for either of these claims, no genuine and substantial issue of fact exists and the Commissioner must refuse to grant a hearing on his decision to refuse approval of this new drug application.

V. Legal Arguments

In its March 14, 1973 request for a hearing, SKF presented an array of legal defenses. They are discussed as follows:

Smith, Kline and French contends that its Dexamyl products are not identical, similar or related to the drugs named in the February 12, 1973 DESI notice and, therefore, any action taken with respect to those products does not affect Dexamyl. This argument is based on the observation that the combinations named in that notice which contained dextroamphetamine do not contain amobarbital, and the one combination that contained amobarbital does not contain dextroamphetamine. Although this may establish that Dexamyl is not identical to the drugs named in the February 12, 1973 notice, it in no way establishes that SKF's products are not similar or related to the named combinations. To the contrary, the regulations under 310.6(b) (21 CFR 310.6(b)) specifically provide that a drug is identical, similar or related to another drug if it is "related in chemical structure." Smith, Kline and French admits that dextroamphetamine is related chemically to phenmetrazine and amphetamine, two anorectic agents named in the notice.

In addition, the same regulation further provides that a drug is identical, similar or related to another drug if it is related in "known pharmacological properties." It is undisputed that the principal component of Dexamyl, dextroamphetamine, is a sympathomimetic drug; it is also undisputed that Dexamyl is promoted as an anorectic. Therefore, it is clear that Dexamyl is identical, similar and/or related to the sympathomimetic anorectic drugs named in the February 12, 1973 notice and covered

by it. Finally, § 310.6(b) specifically provides that "[a] combination drug product containing an identical, related, or similar drug is also subject to the conclusions contained in the notice." Since nearly all of the drugs named in the notice contain dextroamphetamine, (e.g., Appetrol (NDA No. 12–127), containing dextroamphetamine and meprobamate; Biphetamine-T (NDA No. 11–538), containing dextroamphetamine, dl-amphetamine and methaqualone; and Dexerpine tablets (NDA No. 10–207), containing dextroamphetamine and reserpine alkaloid), and since one of the named drugs contains amobarbital (Delfeta-sed Stedytabs (NDA 12–415) containing, inter alia, methamphetamine HCl and amobarbital), Dexamyl is clearly subject to the notice.

The rationale for the generic approach to regulating drugs is stated succinctly in the regulations at § 310.6(a), "It is not feasible for the Food and Drug Administration to list all products which are covered by an NDA and thus subject to each notice." For the same reason the generic regulation has been specifically sanctioned by the courts. "USV Pharmaceutical Corp. v. Weinberger," 412 U.S. 655 (1973); "North American Pharmacal, Inc. v. Department of Health, Education, and Welfare," 491 F.2d 546 (8th Cir. 1973).

Smith, Kline and French also argues that Dexamyl products are exempted from the drug efficacy requirements of the Drug Amendments of 1962 by the "grandfather clause" (section 107(c)(4) of Pub. L. 87–781) because the products are not new drugs and because they have never been the subject of an approved NDA. For a number of reasons this argument is also without merit.

The Federal Food, Drug, and Cosmetic Act, enacted in 1938, provided for a system of premarketing clearance and subsequent supervision of all "new drugs" (section 505). A "new drug" was defined by the 1938 act under section 201(p) (21 U.S.C. 321(p)) as a drug not generally recognized by qualified experts as safe for its intended use. In the Drug Amendments of 1962, Congress broadened the protection afforded by the 1938 act by adding a requirement that drugs be proven effective, as well as safe, for their intended uses. However, the 1962 amendments also contained a "grandfather clause," section 107(c)(4), that exempted certain drugs from the newly imposed effectiveness requirements. Under this section a drug was exempted if on October 9, 1962, it was (1) commercially used or sold in the United States, (2) was not a "new drug" as defined in the 1938 act, i.e., was generally recognized as safe, and (3) "was not covered by an effective application" filed under section 505 of the 1938 act.

Since Dexamyl products were first marketed in 1950, it is clear they were commercially used and sold on October 9, 1962, within the meaning of the first condition of the exemption.

However, the products do not meet either of the remaining two criteria. Dexamyl products were obviously new drugs subject to regulation when first marketed in 1950. Smith, Kline and French has pointed to no definitive point in time when Dexamyl products ceased being new drugs, nor has it provided any cogent reason why they should have been considered old drugs as of October 9, 1962. Obviously, neither SKF's self-serving refusal to file an NDA for Dexamyl from 1950 to October 9, 1962, nor administrative oversight on the part of FDA to so require, can be used to establish the safety of Dexamyl. Under these circumstances, the Commissioner concludes that Dexamyl products were new drugs on October 9, 1962 whose effectiveness must be proved by substantial evidence.

It has already been shown that Dexamyl was "covered" by effective new drug applications on October 9, 1962. Therefore, SKF also fails to meet the third criterion for grandfather status.

There is an additional reason why Dexamyl products are not exempt from the 1962 amendments. A drug qualifies for exemption under section 107(c)(4), inter alia, "when [it is] intended solely for use under conditions prescribed, recommended, or suggested in labeling * * * on [October 9, 1962]". It is axiomatic that unless a drug's labeling has the identical conditions of use that it had on October 9, 1962, it cannot qualify for the grandfather exemption. "United States v. Tyler Pharmacal Distributors, Inc.," 408 F. 2d 95 (7th Cir. 1969); "United States v. Allan Drug Corp.," 357 F. 2d 713 (10th Cir. 1966), cert. denied, 385 U.S. 899; "United States v. 1,048,000 Capsules * * * Afrodex," 347 F. Supp. 768, 770 (S.D. Tex. 1972), aff'd 494 F. 2d 1158 (5th Cir. 1974); "Merritt v. Folsom," 165 F. Supp. 418, 421 (D. D.C. 1958). See also § 310.3(h) (21 CFR 310.3(h)). As shown below, Dexamyl's conditions of use have changed drastically since October 9, 1962.

On October 9, 1962, Dexamyl was unreservedly recommended by its labeling, inter alia, for "overweight control of appetite." Today, Dexamyl is recommended by its labeling for exogenous obesity, "as a short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction." The changes concerning the conditions of use are significant and self-evident. Dexamyl is now offered only for short-term use not to exceed a few weeks; the earlier 1962 labeling contained no such restriction on the duration of administration.

On October 9, 1962, SKF's labeling recommended Dexamyl for "relief of symptoms of mental and emotional stress frequently associated with lowered caloric intake"; the present labeling states that the combination reduces wakefulness and excitation attributable to dextroamphetamine. The two indications constitute wholly different conditions of use.

There are other changes. The present labeling greatly expands the 1962 list of contraindications, precautions and warnings. Contraindications added since 1962 include hyperthyroidism, agitated states, porphyria, patients with a history of drug abuse, and use with monamine oxidase inhibitors. Post-1962 precautions include advising cautious use in conjunction with alcohol and in patients taking guanethidine, or who have decreased liver function or diabetes mellitus. Post-1962 labeling contains elaborate warnings concerning tolerance to the anorectic effect of Dexamyl, masking of fatigue, potential for drug abuse, usage in pregnancy and by children under 12 years of age. None of these restrictions were present in the pre-1962 labeling.

It is clear that Dexamyl is not recommended for use under the same conditions as on October 9, 1962. Accordingly, even assuming, arguendo, that Dexamyl products were not "new drugs" on October 9, 1962, and even further assuming that they were not "covered" by existing approved NDA's on that date, the labeling changes, by themselves, render these products ineligible for exemption under section 107(c)(4).

It is of course well settled that the party seeking the protection of an exemption has the burden of showing he comes within its terms; it is equally well settled that exemptions are to be construed strictly against the party invoking their shelter. "United States v. Allan Drug" Corp., supra. Viewing the above facts against these legal principles, it is clear that SKF's claim for grandfather status must be rejected.

Smith, Kline and French next contends that FDA is without authority to determine the "new drug" status of Dexamyl and that, in any event, withdrawal of the NDA's named in the February 12, 1973 DESI notice would not ipso facto cause the Dexamyl products (which were not in the notice) to become unapproved new drugs. These contentions are also without merit because the Supreme Court has squarely held that the Commissioner does have the authority, subject to judicial review, to determine the "new drug" status of individual drugs or classes of drugs and that withdrawal or refusal to approve one NDA covers all identical, similar or related drugs. "Weinberger v. Hynson, Westcott & Dunning, 412 U.S. 609 (1973); "Weinberger v. Bentex Pharmaceutical, Inc.," 412 U.S. 640 (1973); "National Ethical Pharm. Ass'n. v. Weinberger," 365 F. Supp. 735 (D. S.C. 1973), aff'd 503 F. 2d 1051 (4th Cir. 1974). "North American Pharmacal, Inc. v. Department of Health, Education and Welfare," supra.

Smith, Kline and French contends that the Commissioner has not stated any reasons or facts to support his conclusion. This notice supplies the necessary reasons and facts. The summary procedure employed here has been explicitly approved by the Supreme Court in "Hynson, Westcott, & Dunning," supra, and by numerous other courts as well. See "Cooper Laboratories, Inc. v. Commissioner, Federal Food and Drug Administration" 501 F. 2d 772 (D.C. Cir. 1973); "Upjohn Co. v. Finch," 422 F. 2d 944 (6 Cir. 1970); "Pfizer, Inc. v. Richardson," 434 F. 2d 536 (2d Cir. 1970); "American Cyanamid Co. v. Richardson,

456 F. 2d 509 (1st Cir. 1971). In Hynson, the Court stated [at p. 622]:

> The drug manufacturers have full and precise notice of the evidence they must present to sustain their NDA's, and under these circumstances we find FDA hearing regulations unexceptionable on any statutory or constitutional ground.

The Court undoubtedly approved of this procedure because manufacturers have both actual and constructive notice of the regulations and because they "express well-established principles of scientific investigation." Hynson, supra, at pp. 618–619. Here, SKF was given actual notice in the February 12, 1973 FEDERAL REGISTER notices (38 FR 4279 and 38 FR 4249) that evidence for the effectiveness of Dexamyl would have to meet the standards set forth in regulations promulgated in the FEDERAL REGISTER of May 8, 1970 (35 FR 7251). In view of these facts and in view of the failure of SKF's submission to comply with long-recognized scientific principles embodied in the regulations, additional notice is unwarranted.

Smith, Kline and French also contends that because FDA has expressed the opinion that all amphetamine combinations are ineffective and because this opinion may be based on studies submitted by other drug manufacturers, SKF should be permitted to review the other studies. For the same reason, SKF argues that an evidentiary hearing is necessary to assure a decision based on the evidence of record. Since the Commissioner's decision to refuse approval of the Dexamyl NDA's is based only on SKF's submissions reviewed in this order and upon well established principles of pharmacology and drug testing, SKF's apprehensions are unjustified and its requests are denied.

Finally, SKF contends that the data which it submitted together with the history of "safe and effective use of Dexamyl products over a period of 22 years" demonstrate its effectiveness. It is well settled that the commercial success and widespread acceptance of a product, standing alone, cannot meet the standards of substantial evidence. "Hynson, Westcott & Dunning v. Weinberger," supra; "Upjohn Co. v. Finch," 422 F. 2d 944, 954 supra, "Pharmaceutical Manufacturers Ass'n. v. Richardson," 318 F. Supp. 301, 310 (D. Del. 1970). As the Court stated in Hynson, supra [at p. 619]:

> The [Congressional] hearings underlying the 1962 Act show a marked concern that impressions or beliefs of physicians no matter how fervently believed, are treacherous.

FINDINGS

On the basis of the foregoing review of SKF's evidence and legal arguments, the Commissioner finds that (1) there is a lack of substantial evidence that Dexamyl products have the effects they are represented to have under the conditions of use recommended, suggested or prescribed in their labeling and (2) there is a lack of substantial evidence that each component of the combination products contributes to the total effects claimed.

Smith, Kline and French has failed to offer any data or legal reason to demonstrate the existence of a genuine and substantial issue of fact requiring a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(d)), 52 Stat. 1052 as amended (21 U.S.C. 355(d)) and under the authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 5, 1976 (41 FR 24262)), approval of new drug applications (NDA No. 17–074, 17–075 and 17–077 for Dexamyl Elixir, Tablets and Spansule capsules) and all amendments and supplements thereto, is refused. This order shall be effective on September 3, 1976.

(Sec. 505(d)), 52 Stat. 1052 as amended (21 U.S.C. 355(d).)

Dated: August 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-24717 Filed 8-23-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Public Availability of Reports of Closed Meeting Activities of Advisory Committees

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. II 1972) and OMB Circular A–63 of March 27, 1974, those advisory committees of the Department of Health, Education and Welfare which held closed or partially closed meetings in 1975 have prepared a report on the activities of these meetings. Copies of the report have been filed and are available for public inspection at the following locations:

Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

National Advisory Council on Indian Education, Room 326—Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C.

Committee Management Staff, U.S. Office of Education, Room 4156, FOB 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The name of the subject committee is listed below:

National Advisory Council on Indian Education.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-24731 Filed 8-23-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 1), that the next meeting of the Executive Committee of the National Advisory Council on Indian Education will be held September 10–11, 1976, at the Sheraton Denver Hotel, 3535 Quebec Street, Denver, Colorado 80207.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950, (Pub. L. 874, Eighty-first Congress); and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on September 10–11, 1976, will be open to the public beginning at 9:00 a.m. and ending at 5:00 p.m. each day. This meeting will be held at the Sheraton Denver Hotel.

The proposed agenda includes:

(1) Develop FY '77 NACIE Budget
(2) Discuss Agenda items for September 17–19, 1976, Full Council Meeting
(3) Regular Committee Business

The September 10, 1976 meeting will be closed to the public from 3:00 p.m. to 5:00 p.m. for reviewing applications for the position of Deputy Commissioner for the Office of Indian Education that must be held in confidence, under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and under the exemptions contained in the Freedom of Information Act, Section 552(b) (4 and (6) of Title 5 U.S.C. (Pub. L. 90–23), 45 CFR 5.71(a) and § 5.71(c).

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian

Education located at 425 13th Street, NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C., on August 11, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-24754 Filed 8-23-76;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Special Meeting

Notice is hereby given that a special meeting of the National Council on Educational Research will be held on August 30, 1976, at the National Institute of Education, 1200—19th Street, N.W., Washington, D.C., in Room 823. Because this meeting will consist solely of a discussion of Fiscal Year 1978 budget matters which have not yet been approved by the President or released to the public, it has been determined that this meeting must be closed. This is in accordance with the Council's policy to close meetings only under the most extraordinary circumstances and consistent with the provisions of the Federal Advisory Committee Act.

Because of the urgency and timing of the mid-September budget submission, it is essential that this meeting take place on the above-scheduled date even though it creates an exception to the requirement for timely notification of meetings.

The National Council on Educational Research is established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

Dated: August 19, 1976.

VERA BROWN,
Executive Assistant to the Director, National Institute of Education.

[FR Doc.76-24856 Filed 8-23-76;8:45 am]

Office of the Assistant Secretary for Health

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Thursday, September 16 at 9:00 a.m. and Friday, September 17, 1976 at 9:00 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, Third and C Streets, SW., Washington, D.C. Principal consideration and discussion will include general policy issues and options regarding cost-containment and program reform. These meetings are open for public observation.

Further information on the Council may be obtained by contacting Ronald M. Klar, M.D., M.P.H., Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A-31, 5600 Fishers Lane, Rockville, Maryland 20852, telephone (301) 443-3274 or 443-4728.

Dated: August 13, 1976.

RONALD M. KLAR,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.76-24732 Filed 8-23-76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: September 13, 1976 (10:00 a.m. to 5:00 p.m.) September 14, 1976 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: August 16, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.76-24721 Filed 8-23-76;8:45 am]

Social Security Administration

WESTERN SAMOA

Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Western Samoa, beginning August 13, 1972, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Western Samoa, who leave Western Samoa, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Western Samoa has in effect, beginning August 13, 1972, a social insurance system which meets the requirements of Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

Dated: AUGUST 18, 1976.

PASQUALE F. CALIGIURI,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.76-24742 Filed 8-23-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

INTERSTATE FUNDING STUDY

Request for Comments

Pursuant to section 150(a) of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280) the Federal Highway Administration, in conjunction with the Office of the Secretary of Transportation, is preparing a report to Congress on the financing of the completion of the Interstate Highway System. Section 150(a) specifically requests that the report "identify and analyze optional financing methods including State bonding authority under which the Secretary contracts to reimburse the States for up to 90 per centum of the principal and interest on such bonds." Present law does not allow Federal participation in interest payments on such bonds. The report is to be submitted to Congress by February 5, 1977.

To assure that all concerned parties have an opportunity to express their views, the Federal Highway Administration is soliciting comments on the subject of this study. Although any area of the subject may be commented upon, the Federal Highway Administration would be most interested in views concerning the feasibility of the States to issue bonds to accelerate construction of all or portions of the Interstate Highway System, and the potential economic, employment, construction industry, and other impacts of an accelerated Interstate System construction program.

Interested persons or organizations should submit their comments, in writing, to the Federal Highway Administration, Office of Program and Policy Planning, HPP-30, Washington, D.C. 20590, no later than September 20, 1976.

Issued on: August 18, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-24727 Filed 8-23-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-8-95; Docket No. 28744; Agreement CAB 25762]

CONTINENTAL AIR LINES, INC. AND RIO AIRWAYS, INC.

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1976.

By order 76-5-120, May 25, 1976, the Board set for hearing the application of Continental Air Lines, Inc. (Continental) to suspend its service over the Midland/Odessa-Tulsa portion of segment 3, Route 29, for a five-year period, and to approve Continental's agreement with Rio Airways, Inc. (Rio) for the replacement of its suspended service.[1] The Board's order states that the issues in the proceeding shall include: (1) whether Continental's authority to serve the Midland/Odessa-Tulsa portion of segment 3 should be suspended or deleted, and, if so, what conditions should be attached to any suspension found to be required; and (2) whether the Continental/Rio Replacement Agreement should be approved, and, if so, what conditions should be attached to the approval.

The Midland/Odessa parties filed a timely petition for reconsideration of the Board's order urging that the Board redefine the issues to include alternatives to suspension/replacement and to clarify the order.

It requests that the expanded issues include (1) whether the public interest requires the removal or modification of conditions (5) and (6) of Continental's certificate,[2] and (2) whether the public interest requires certification of an additional carrier to serve the Midland/Odessa-Tulsa portion of segment 3. Further, it requests that the Board make clear that there is no issue in this proceeding of suspending Continental's service without replacement by a more responsive and efficient service, and that the issue of suspension of Continental on the Midland/Odessa-Tulsa segment of Route 29 includes the more limited issue of simply authorizing the carrier to overfly Wichita Falls and/or Lawton/Fort Sill.

The petition is opposed by Continental to the extent that it would transform the proceeding into a Midland/Odessa-Oklahoma route proceeding. Continental does not oppose expansion of the issues to include the removal of restrictions from its certificate authority affecting its ability to serve segment 3, but it stresses the point that such measures alone are not adequate to solve its service problems on this segment, which are allegedly caused in large part by the ready access of the potential flow traffic to faster, convenient connecting service over the Dallas/Fort Worth gateway. Continental vigorously opposes the consideration in this proceeding of applications from other certificated carriers for Midland/Odessa-Oklahoma authority, which it asserts would completely change the proceeding from one for suspension/replacement to a full-blown new route proceeding, and would doom all prospects for continuing service to all points on segment 3. Neither Continental nor Rio would be interested in investing their resources in providing service to the remainder of the segment if stripped of the opportunity for providing replacement service in the Lubbock/Midland/Odessa-Oklahoma markets.

The Bureau states it would join in the request for inclusion of the issue of deleting restrictions from Continental's authority, but only if the inclusion of the issue is not opposed by Continental. The Bureau would, in the event such restriction removal is placed in issue, open the proceeding to consider new route applications from other certificated carriers; however, the Bureau does not justify or even explain its position on this point. Further, the Bureau opposes Midland/Odessa's suggestion that the Board make clear that this proceeding will not enable Continental to suspend service without providing replacement service. It contends that the Board has retained and should retain the freedom to attach any conditions to its final order as the public interest may dictate. The Bureau does not oppose clarification of the suspension issue as including permission to overfly Wichita Falls and Lawton/Fort Sill.[3]

Midland/Odessa's petition to expand the issues will be denied. Putting in issue the deletion of Continental's conditions (5) and (6) would completely transform the proceeding into a major competitive route case in which the issues of new turnaround authority in the Chicago-Kansas City and Kansas City-Tulsa markets would completely overshadow the issues of service in the segment 3 markets which are the intended subject of this proceeding. As Continenal points out, it would also be necessary to put in issue its condition (8)(a), thereby raising similar extraneous issues of new single-plane authority in numerous Chicago-Texas/Oklahoma markets; and the carrier further suggests putting new Kansas City-Oklahoma City nonstop authority in issue. No showing whatever has been made to justify so vast an expansion of the proceeding; indeed, Continental has been at pains to depreciate the suggestion that deletion of these certificate restrictions could be expected to result in

[1] Agreement CAB 25762.

[2] Condition (5) in substance requires that all Kansas City-Tulsa flights serve Albuquerque or El Paso. Condition (6) requires that all Chicago-Kansas City flights serve Los Angeles or a point west thereof. As Continental points out, consideration of condition (6) would be futile unless condition (8)(a) were also put in issue; the latter precludes Chicago-Kansas City flights from serving points south of Kansas City which are not on segment 6 (as none of the Texas/Oklahoma points here at issue are). Continental had previously asserted that these conditions make it difficult to flow Chicago and Kansas City traffic over segment 3 in order to support Tulsa/Oklahoma City-Lubbock/Midland/Odessa service.

[3] Continental filed a motion for leave to file an otherwise unauthorized document, which motion will be granted, and a reply to the Bureau's answer, in which it supports inclusion of the issue of deleting its conditions (5) and (6), provided condition (8)(a) is also put in issue, and suggests a still further expansion of the case to include the possibility of extending segment 3 to Kansas City, thereby putting in issue new Kansas City-Oklahoma City nonstop authority. If deletion of its conditions (5), (6), and (8)(a) is put in issue, Continental states it will not oppose consideration of competing applications to serve the Tulsa-Midland/Odessa portion of segment 3.

American Airlines subsequently filed a motion for leave to file an otherwise unauthorized document, which motion will also be granted, and an answer opposing the expansion of the issues proposed by the Midland/Odessa parties as amplified by Continental in its answer to the Midland/Odessa petition and further amplified in its reply to the Bureau's answer.

a significantly increased flow of Chicago and Kansas City traffic over segment 3, and our own analysis indicates little support for segment 3 operations could be expected to result, in view of the multistop nature of any Chicago/Kansas City-Midland/Odessa service Continental might be able to mount and the superior frequency, speed, and convenience of existing connecting service via Dallas/Fort Worth.[4]

By the same token, although a lesser expansion of the issues to include a limited modification rather than outright deletion of Continental's conditions (5), (6), and (8)(a) might not require opening up the proceeding to competing applications, the foregoing analysis indicates too little likelihood of any useful result, in terms of materially strengthening Continental's ability to serve segment 3, to justify the complication and material delay of the proceeding which even such a limited consideration of Continental's certificate restrictions would entail. Moreover, we detect no interest by Continental in such a limited consideration of its restrictions.

Although consideration of substitute certificated service over the Midland/Odessa-Tulsa portion of segment 3 would not necessarily transform or greatly expand the scope of the proceeding, our analysis indicates very little likelihood that any certificated carrier would hope to operate such service on an economically sound basis, in view of the small traffic flows involved and the availability of relatively ample and convenient connecting service. The certificated carriers who might be expected to be interested in providing such substitute service are apparently in agreement, since none of them have in fact filed applications. In view of the absence of any such applications, Midland/Odessa's petition to expand the issues in this respect is essentially moot, and will accordingly be denied.

Midland/Odessa also requests clarification that there is no issue in this case of suspending Continental without replacement service. In the interest of providing the Board with maximum decisional flexibility we will not adopt Midland/Odessa's suggested clarification. Under the issues as framed by Order 76-5-120, the suspension of Continental's authority without a replacement service is one of a variety of alternative courses of action the Board could adopt.

Midland/Odessa's requested clarification that the suspension issue as stated in Order 76-5-120 includes the issue of authority to suspend and overfly certain low-traffic-generating points on segment 3 has merit and will be granted.[5] In addition, Continental has indicated in its latest pleading that it desires to retain unsuspended its authority (presently unused) to operate over segment 3 between Tulsa-Oklahoma City and Aubuquerque/El Paso—a desire inconsistent with its original application to suspend service over segment 3, and at least technically inconsistent with the way the issues in the proceeding were framed in Order 76-5-120. In view of this clarification of the applicant's intentions, it is appropriate to reframe the principal issue as being the suspension or deletion of Continental's authority to serve any or all of the present intermediate points in segment 3.[6]

Accordingly, it is ordered that:

1. Ordering paragraph 2(a) of Order 76-5-120 is hereby amended to read:

(a) Do the public convenience and necessity require that the authority of Continental Air Lines, Inc., to serve any or all of the intermediate points presently named on segment 3 of its certificate for Route 29 be suspended or deleted? If so, what terms, conditions, and limitations, if any, should be attached to any suspension or deletion found to be required?

2. Except to the extent granted herein, the petition for reconsideration filed by the Midland/Odessa parties be and it hereby is denied; and

3. The motions of Continental Air Lines and American Airlines for leave to file otherwise unauthorized documents be and they hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-24765 Filed 8-23-76;8:45 am]

CIVIL SERVICE COMMISSION

PRIVACY ACT OF 1974

Notice of Proposed System of Records

In accordance with 5 U.S.C. 552a(e)(4) and (11), Section 3 of the Privacy Act of 1974 (Public Law 93-579), notice is hereby given that the Commission proposes to establish a new system of records subject to the provisions of the Privacy Act. The following system of records, the CSC Managerial Potential Rating System (CSC-9), is a new system of records for which no publi: notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been previously published in the FEDERAL REGISTER.

Pursuant to 5 U.S.C. 552a(o) and guidelines for implementing the Privacy Act established by the Office of Management and Budget in OMB Circular A-108, on June 9, 1976, the Commission transmitted to the Congress, the Privacy Protection Study Commission, and the Office of Management and Budget the required "Report on New Systems" for the CSC Managerial Potential Rating System.

Any interested persons may submit written comments on this notice to the Director, Personnel and Labor Relations Division, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C., by September 23, 1976.

All written comments received from the public through that date will be considered by the Commission before adoption of final notice. The comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays) until September 23, 1976.

Effective date: This notice shall be effective September 24, 1976.

CSC-9

System name. CSC Managerial Potential Rating System-CSC.

System location. Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system. Individuals who are employed or who were employed on or after the date of implementation of the system by the U.S. Civil Service Commission in permanent positions classified in pay grades GS-13, GS-14, and GS-15, and their supervisors.

Categories of records in the system. These records contain the following types of information about the covered individuals:

a. Demographic data—date of birth, sex, educational level, year of degree, academic discipline, service computation date, handicap code, and minority group designator.

b. Position data—organization, occupation, grade level, number of employees supervised, identification of supervisors.

c. Rating data—ratings of managerial potential obtained from the employee and his supervisors, and date of rating.

Authority for maintenance of the system. Sections 3341, 3361, 4118, and 4503 of Title 5, U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses. These records are used to:

[4] In Order 76-6-84, in denying a separate petition by the Midland/Odessa parties for an investigation of service between Midland/Odessa and points in the East, the Board determined *inter alia* that the historic traffic in the Midland/Odessa-Chicago market (4,640 O&D passengers in 1974, or fewer than 7 passengers per day in each direction) does not warrant an investigation of the need for first single-plane service in that market, particularly since infrequent multistop service could be expected to attract only a portion of the available traffic in the face of one-stop connecting service over Dallas/Fort Worth. That conclusion is obviously relevant here.

[5] It must be pointed out, however, that any right to overfly a suspended point would not abrogate specific conditions otherwise contained in Continental's certificate. See, for example, Application of Hughes Airwest, Order 74-9-7, September 4, 1974, note 14.

[6] Continental holds authority over other segments in the Tulsa-Oklahoma City, Lubbock-Albuquerque, Lubbock-Midland/Odessa, and Midland/Odessa/El Paso markets which will not be affected by any suspension or deletion of intermediate points on segment 3 which may be ordered in this proceeding. See footnotes 1 and 12 of Order 76-5-120.

a. Serve as a basis for employee counseling by supervisors on career development.

b. Rank the managerial potential of covered employees as one of the elements used for agency management decisions regarding career development, awards, and promotions to managerial positions.

c. Demographic data will be used to produce statistical summaries to help assure that ratings are based solely on individual performance. The summaries will indicate trends that will be helpful in assessing compliance with equal employment opportunity and in assessing the relationship of managerial potential rating to such factors as educational level, recency of education academic discipline, and years of Federal service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system. See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage.—The records are maintained on magnetic tape, punched cards, lists, and forms.

Retrievability.—Records are indexed by a combination of name, employee identification number, grade, occupation, and organization.

Safeguards.—Records are stored in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access.

Retention and Disposal.—Automated records are retained for five to ten years. Manual input is retained for three years.

System manager and address. Director, Personnel and Labor Relations Division, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure. Inquiries, including name, CSC employee identification number, and date of rating, should be addressed to the system manager named above.

Record access procedures. Current or former employees who wish to gain access to their records should direct such a request in writing, including their name, CSC employee identification number, and date of rating, to the system manager named above.

Contesting record procedures. Same as Record Access Procedures, above.

Record source categories. Information in this system of records comes from the individual to whom it applies, and/or the individual's supervisors, except position and demographic information provided by agency officials.

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

[FR Doc.76-24228 Filed 8-23-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Establishment of Study Group

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), I hereby certify that the establishment of a Study Group on Global Environmental Effects of Carbon Dioxide as hereinafter identified is in the public interest in connection with the performance of duties imposed upon the Energy Research and Development Administration by the Energy Reorganization Act of 1974 and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63 (Revised).

1. *Name of Advisory Committee.* Study Group on Global Environmental Effects of Carbon Dioxide.

2. *Purpose.* To give guidance to ERDA in the development of its role in environmental research dealing with the global effects of increasing levels of carbon dioxide produced by fossil fuel combustion and related matters. The Group's guidance will be based on a thorough review of ongoing and planned national and international research activities in this area. Due recognition will also be given to recommendations put forward by the various scientific deliberative bodies. A preliminary guidance document is to be submitted to the Assistant Administrator for Environment and Safety by December 31, 1976. A more detailed report is to be submitted by April 30, 1977. This report may be updated subsequently by amendments if deemed necessary in the view of the Group or the Assistant Administrator for Environment and Safety. The Group will also review and comment upon the research program developed as a result of its guidance until the Group's date of termination.

3. *Effective date, establishment, and duration.* The Study Group is established effective on September 8, 1976 and after filing of the charter with the standing committees of Congress having legislative jurisdiction over the Energy Research and Development Administration. The Study Group's termination date shall be December 31, 1978.

4. *Membership.* The membership of the Study Group on Global Environmental Effects of Carbon Dioxide shall be fairly balanced in terms of the points of view represented and the Group's function. Membership will include representatives from the fields of the ecological sciences, meterorology, oceanography, and engineering. Individuals with strong scientific backgrounds and high level scientific administration experience will be included. Other qualified and experienced individuals who can contribute to the activities of the Group will also be included. There will be no discrimination on the basis of race, color, creed, national origin, religion, or sex.

5. *Study Group on Global Environmental Effects of Carbon Dioxide Operation.* The Study Group will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), ERDA policy and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of the Act. The Study Group will be provided with the necessary support to accomplish its purpose.

Effective date: August 24, 1976.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.76-24817 Filed 8-23-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PF44; FRL 604-5]

BASF WLANDOTTE CORP. AND THOMPSON-HAYWARD CHEMICAL CO.

Filing of Pesticide Petitions

Pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1828. BASF Wyandotte Corp., Agricultural Chemicals Dept., 100 Cherry Hill Rd., Parsippany NJ 07054. Proposes that 40 CFR 180.355 be amended by the establishment of tolerances for combined residues of the herbicide bentazon (3-isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural commodities peanuts (nutmeats after the removal of hulls) at 0.05 part per million (ppm), peanut hay at 3 ppm, peanut hulls at 0.3 ppm, corn grain and fresh corn (including sweet corn, kernels plus cob with husk removed) at 0.05 ppm, corn forage and fodder at 3 ppm, rice at 0.05 ppm, rice straw at 3 ppm, the hay of seed and pod vegetables (except soybeans) at 3 ppm, and soybean hay at 0.3 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a flame photometric detector in the sulfur specific mode (394 mm). PM25 (202/755-7012)

PP 6F1832. Thompson-Hayward Chemical Co., PO Box 2383 Kansas City KS 66110. Proposes that 40 CFR 180 be amended by the establishment of a tolerance for residues of the insecticide N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide in or on the raw agricultural commodity soybeans at 0.05 ppm. Proposed analytical method for determining residues is a high-pressure liquid chromatographic procedure using UV spectrometry. PM17 (202/426-9425)

Interested persons are invited to submit written comments on any petitions

referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 16, 1976.

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

[FR Doc.76-24707 Filed 8-23-76;8:45 am]

[FRL 603-6; OPP—50243]

DOW CHEMICAL CO. 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. 136), 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. 464-EUP-47. Dow Chemical Company, Midland, Michigan 48640. This experimental use permit allows the use of 82,417 pounds of the microbiocide bromine chloride in effluent for evaluation of disinfection in sewage disposal plants to control bacteria and viruses and in water used in "once through" industrial water cooler systems to evaluate control of growth of algae, bacteria, and fungi. A total of 3,203,500 gallons of water are involved; the program is authorized only in the States of Maryland and Hawaii. The experimental use permit is effective from July 9, 1976, to July 9, 1977.

No. 201-EUP-50. Shell Chemical Company, Washington, DC 20460. This experimental use permit allows the use of 9,600 pounds of the insecticide (a synthetic pyrethroid) cyano (3 - phenoxyphenyl) methyl-4-chloro-α-(1-methylethyl) benzene-acetate on cotton to evaluate control of the Pink Bollworm, the Cottonleaf Perforator, the Tobacco Budworm and the Cotton Bollworm and to evaluate reduction of the Bollweevil. A total of 5,000 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from July 9, 1976, to July 9, 1977. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established.

No. 239-EUP-74. Chevron Chemical Company, Richmond, California 94804. This experimental use permit allows the use of the remaining supply of 354.75 pounds of the insecticide acephate authorized in a previous experimental use permit; the insecticide will be used on almonds to evaluate control of the Naval Orangeworm. A total of 50 acres is involved; the program is authorized only in the State of California. The experimental use permit is effective from July 10, 1976, to July 31, 1977. A temporary tolerance for residues of the active ingredient in or on almonds has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 16, 1976.

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

[FR Doc.76-24710 Filed 8-23-76;8:45 am]

[FRL 604-6; OPP-50242]

MOBIL CHEMICAL CO. 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. 136), 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. 2224-EUP-16. Mobil Chemical Company, Richmond, Virginia 23261. This experimental use permit allows the use of 152 pounds of the insecticide 1-ethoxy-4-(1-[4-(1,1 - dimethylethyl) phenyl]-2-nitrobutyl)-benzene on apples, pears, peaches, soybeans, cabbage, broccoli, brussels sprouts, cauliflowers, collards, Irish potatoes, and tomatoes to evaluate control of a variety of insects. A total of 160.5 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from May 12, 1976, to May 12, 1977. Any crops treated under this permit will be destroyed or used for research purposes only.

No. 100-EUP-44. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 866 pounds of a herbicide which is a mixture of 2 - chloro - *N* - (2 - ethyl-6-methylphenyl) - *N*-(2-methoxy-1-methylethyl) acetamide and procyazine on corn to evaluate control of annual grasses and broadleaf weeds. A total of 577 acres is involved; the program is authorized only in the States of Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from July 9, 1976, to April 30, 1977. A temporary tolerance for residues of the active ingredient in or on corn has been established.

No. 1016-EUP-35. Union Carbide Corporation, Washington DC 20006. This experimental use permit allows the use of 880 pounds of an insecticide which is a mixture of carbaryl and petroleum oils on corn to evaluate control of the Southwestern Corn Borer. A total of 140 acres is involved; the program is authorized only in the State of Texas. The experimental use permit is effective from July 9, 1976, to July 9, 1977. A permanent tolerance for residues of the active ingredient in or on corn has been established (40 CFR 180.169).

Interested parties wishing to review the experimental use permits are referred to Rm. E-315, Registration Division (WH- 567), Office of Pesticide Programs, Environmental Protection Agency 401 M St. SW., Washington, D.C. 20406. 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 p.m. Monday through Friday.

Dated: August 16, 1976.

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

[FR Doc.76-24708 Filed 8-23-76;8:45 am]

[FRL 603-7; OPP-50244]

SHELL CHEMICAL CO. AND CIBA

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to 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. 201-EUP-54. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 0.002 pounds of an insecticide which is a mixture of 2H-1,3-thiazine, tetrahydro - 2 - (nitromethylene) and (Z)-9-tricosene indoors and outdoors in kitchens, dining rooms, bedrooms, patios, porches, kennels, barns, garbage areas, etc., to evaluate control of flies and mosquitoes. A total of 250 units will be used, 1 unit per home, in four States; the program is authorized only in the States of Florida, Georgia, Texas, and California, with approximately 60 units being used in each State. The ex-

perimental use permit is effective from July 12, 1976, to July 12, 1977.

No. 201-EUP-55. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 0.002 pounds of the insecticide 2H-1, 3-thiazine, tetrahydro-2-(nitromethylene) indoors and outdoors in kitchens, dining rooms, living rooms, bedrooms, patios, porches, kennels, barns, garbage areas, etc. to evaluate control of flies and mosquitoes. A total of 250 units will be used, 1 unit per home, in four States, the program is authorized only in the States of Florida, Georgia, Texas, and California, with approximately 60 units being used in each State. The experimental use permit is effective from July 12, 1976, to July 12, 1977.

No. 100-EUP-46. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 320 pounds of the pre-emergent herbicide atrazine on wheat to evaluate control of cheatgrass, kochid, mustard, pigweed, Russian thistle, wild lettuce, wild sunflower, and volunteer wheat during the fallow period of a wheat-fallow-wheat rotation. A total of 850 acres is involved. The program is authorized in the States of North Dakota and Montana; the States of South Dakota, Iowa, and Minnesota are authorized for shipping purposes only. The experimental use permit is effective from July 12, 1976, to July 12, 1977. A permanent tolerance for residues of the active ingredient in or on wheat has been established (40 CFR 180.220).

No. 100-EUP-47. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 320 pounds of the pre-emergent herbicide atrazine on wheat to evaluate control of cheatgrass, kochid, mustard, pigweed, Russian thistle, wild lettuce, wild sunflower, and volunteer wheat during the fallow period of a wheat-fallow-wheat rotation. A total of 850 acres is involved. The program is authorized in the States of North Dakota and Montana; the States of South Dakota, Iowa, and Minnesota are authorized for shipping purposes only. The experimental use permit is effective from July 12, 1976, to July 12, 1977. A permanent tolerance for residues of the active ingredient in or on wheat has been established (40 CFR 180.220). This permit and the one above will use the same active ingredient, but different formulations.

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., SW., 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: August 16, 1976.

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

[FR Doc.76-24711 Filed 8-23-76; 8:45 am]

[FRL 604-1; OPP-50240/50241]

U.S. DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to 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. 27586-EUP-6. U.S. Department of Agriculture, Bozeman, Montana 59715. This experimental use permit allows the use of 2.5 tons formulated product of the microbial insecticide *Nosema locustae* (spores) on rangeland grass and hay to evaluate control of the Mormon cricket. The experimental use permit is effective from May 19, 1976, to May 19, 1977.

No. 27586-EUP-7. U.S. Department of Agriculture, Bozeman, Montana 59715. This experimental use permit allows the use of 2.5 tons formulated product of the microbial insecticide *Nosema locustae* (spores) on rangeland grass and hay to evaluate control of the Mormon cricket. A total of 3,250 acres is involved for both of these permits; the programs are authorized only in the States of Colorado and Utah. This experimental use permit is also effective from May 19, 1976, to May 19, 1977. The permits will use the same active ingredient, but different formulations.

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., SW, 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: August 16, 1976.

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

[FR Doc.76-24709 Filed 8-23-76; 8:45 am]

[FRL 604-2; OPP-33000/449 & 450]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration 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 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.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315; PM 21 and 22—202/426-2454; PM 24—202/755-2196; PM 31—202/426-2635; PM 33—202/755-9041; PM 15, 16, and 17—202/426-9425; PM 23—202/755-1397; PM 25—202/755-7012; PM 32—202/426-9486; and PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed

on or before October 26, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 FIFRA, as amended, should be made on or before September 23, 1976.

Dated: August 16, 1976.

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

APPLICATIONS RECEIVED (OPP—33000/449)

EPA Reg. No. 3125–102. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. GUTHION 2L EMULSIFIABLE INSECTICIDE. Active Ingredients: O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate 22.2%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 3125–123. Chemagro Agricultural Div. GUTHION SS. Active Ingredients: O,O-Dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl) methyl] phosphorodithioate 22%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 3125–193. Chemagro Agricultural Div. GUTHION 50% WETTABLE POWDER. Active Ingredients: O-O-Dimethyl S-[(4-oxo-1,2,3-benzotriazin-3 (4*H*)-yl] phosphorodithioate 50%. Method of Support: Application proceeds under 2 (a) of interim policy. PM12

EPA Reg. No. 3125–25. Chemagro Agricultural Div. GUTHION 25% WETTABLE POWDER CROP INSECTICIDE. Active Ingredients: O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 352–372. E. I. du Pont de Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. VYDATE L OXAMYL INSECTICIDE/NEMATICIDE FOR USE ON NON-BEARING APPLE TREES Active Ingredients: Methyl N',*N*'-dimethyl-N-[(methylcarbamoyl)oxy]-1-thiooxamimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352–370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-1-thiooxamimidate 20%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352–370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON GREEN PEAS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 352–354. E. I. du Pont de Nemours & Co., Inc. BENLATE BENOMYL FUNGICIDE. Active Ingredients: Benomyl (Methyl - 1- (Butylcarbomoyl) -2-Benzimidazole-Carbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22

EPA Reg. No. 352–354. E. I. du Pont de Nemours & Co., Inc. BENLATE BENOMYL FUNGICIDE. Active Ingredients: Benomyl (Methyl-1 (Butylcarbomoyl)-2-Benzimidazole-Carbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22

EPA Reg. No. 352–342. E. I. du Pont de Nemours & Co., Inc. LANNATE METHOMYL INSECTICIDE FOR USE ON GREEN PEAS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 912–37. Farmers Union Central Exchange, Inc., PO Box G, St. Paul MN 55165. GREEN HOUSE DACTHAL G–2.5 GRANULES FOR LAWNS, ORNAMENTAL TURF, STRAWBERRY PLANTINGS, FLOWER & VEGETABLE GARDENS. 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 File Symbol 1457–AR. Fine Organics, Inc., A Subsidiary of Hexcel Corp., 205 Main St., Lodi NJ 07644. MYTAB. Active Ingredients: Tetradecyl trimethyl ammonium bromide 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 279–2961. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FERBAM 5 SULFUR 90 DUST FUNGICIDE. Active Ingredients: Ferbam 5.00%; Sulfur 90.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 2393–306. Hopkins Agricultural Chemical Co., Box 584, Madison WI 53701. 2,4-D AMINE WEEDKILLER. 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 2393–GGA. Hopkins Agricultural Chemical Co. 2,4-D AMINE WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 407–338. Imperial, Inc., PO Box 423, W. 6th & Grassy, Shenandoah IA 51601. GARDEN WEED PREVENTER WETTABLE POWDER CONTAINS DACTHAL. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 407–284. Imperial, Inc. PREEMERGENCE HERBICIDE (2.5% DACTHAL GRANULES). 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. 2342–770. Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City OK 73102. FASCO METHOMYL-DUST-2 INSECTICIDE. 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. 1202–97. Puregro Co., 1052 W. 6th St., Los Angeles CA 90017. GAVAMINE D–40 WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 49.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2125–53. Science Products Co., Inc., 5801 N. Tripp Ave., Chicago IL 60646. 50% METHOXYCHLOR WETTABLE POWDER. Active Ingredients: Methoxychlor, technical 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

APPLICATIONS RECEIVED (OPP–33000/450)

EPA Reg. No. 264–189. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. SUPER D WEEDONE LAWN WEED CONTROL. Active Ingredients: Diethanol amine salt of 2,4-dichlorophenoxyacetic acid 20.3%; Diethanol amine salt of dicamba 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4–210. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. LAWN WEED KILLER (DUST). Active Ingredients: Triethanalamine Salt of 2,4-Dichlorophenoxyacetic Acid 8.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4–114. Bonide Chemical Co., Inc. WEED & FEED. Active Ingredients: Triethanolamine salt of 2,4-Dichlorophenoxyacetic acid 1.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1022–491. Chapman Chemical Co., 416 E. Brooks Rd., P.O. Box 9158, Memphis TN 38109. PQ–15R T U. Active Ingredients: Copper 8-quinolinolate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA Reg. No. 802–513. The Chas. H. Lilly Co., 7737 N.E. Killingsworth, Portland OR 97218. LILLY MILLER LAWN & TURF WEED BOMB. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 0.287%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 0.130%, Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.029%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 239–2418. Chevron Chemical Co., Ortho Div., 940 Hensley Way, San Francisco CA 94119. ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claims. PM16

EPA Reg. No. 1913–2. The Dracket Products Co., 5020 Spring Grove Ave., Cincinnati OH 45232. POWER PACKED VANISH TOILET BOWL CLEANER. Active Ingredients: Sodium acid sulfate 62.00%, Monopotassium peroxymonosulfate 0.04%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised formulation. PM 34

EPA Reg. No. 16–42. Dragon Chemical Corp., PO Box 7311, 7033 Walrond Dr., Roanoke VA 24019. DRAGON GARDEN WEED & GRASS PREVENTER. Active Ingredients: Dimethyl ester of tetrachloroterepthalic acid 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 534–88. FS Services, Inc., 1701 Towanda Ave., Bloomington IL 61701. FS PARMTOWN LAWNFOOD PLUS 11–4–7. Active Ingredients: Dimethyl Tetrachloroterephthalate 2.28%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 257–131. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre De Grace MD 21078. SWITER EMULSION BOWL CLEANER & DISINFECTANT. Active Ingredients: Hydrogen Chloride 23%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 729–45. Gulf Oil Corp. (Houston), Box 1166, Pittsburgh PA 15230. GULF SPRAY MULTI PURPOSE INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl 3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%, d-trans Allethrin (allyl homolog of Cinerin 1) 0.200%. Related compounds 0.015%. Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 61–167. Koppers Company, Inc., 1401 Koppers Bldg., Pittsburgh PA 15219. BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–45 INTERNATIONAL ORANGE. Active Ingredients: Tributyltin Fluoride 15.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–157. Koppers Company, Inc. BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–44 BLACK. Active Ingredients. Tributyltin Fluoride 13.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–152. Koppers Company, Inc. BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–40 BLACK. Active Ingredients: Tributyltin Fluoride 14.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–151. Koppers Co., Inc., BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–41 RED. Active Ingredients: Tributyltin Fluoride 15.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–150. Koppers Co., Inc. BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–42 BLUE. Active Ingredients: Tributyltin Fluoride 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–149. Koppers Co., Inc. BROLITE Z-SPAR COLORTOX BOTTOM PAINT ANTIFOULING B–43 GREEN. Active Ingredients: Tributyltin Fluoride 15.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–147. Koppers Co., Inc. ANTIFOULANT COATING 990 BLUE. Active Ingredients: Tributyltin Fluoride 12.40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–146. Koppers Co., Inc. ANTIFOULANT COATING 990 WHITE. Active Ingredients: Tributyltin Fluoride 11.88%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 61–145. Koppers Co., Inc. ANTIFOULANT COATING 990 GREEN. Active Ingredients: Tributyltin Fluoride 11.68%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 2491–216. Koos, Inc., 4500 13th Court, Kenosha WI 53140. ACE LAWN FOOD WITH WEED CONTROL 22–6–8. Active Ingredients: (2-Methoxy-3,6-dichlorobenzoic acid) 0.12%, 2,4-Dichlorophenoxyacetic acid 0.80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1381–8. Land O'Lakes, Inc., 2827 8th Ave., So., Fort Dodge IA 50501. LAND O LAKES FELCO 4 LB AMINE 2,4-D 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. PM23

EPA Reg. No. 746–109. MFA Oil, PO Box 519, Columbia MO 65201. GARDEN WEEDER. 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. 72–509. Miller Chemical & Fertilizer Corp., PO Box 333, Hanover PA 17331. MILLER TURF FOOD PLUS 2 12–6–6 GRANULAR + UREAFORM NITROGEN + 2,5-D BROADLEAF WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 0.42%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1706–95. Nalco Chemical Co., 6216 West 66th Place, Chicago IL 60638. NALCON 273. Active Ingredients: Methylene bis(thiocyanate) 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 1706–146. Nalco Chemical Co. NALCO 2532. Active Ingredients: n-alky (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium Chloride 12.5%; Bis(tri-n-butyltin) oxide 2.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 2169–103. Patterson Chemical Co., Div. Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GREEN UP VEGETABLE GARDEN DUST 1% ROTENONE. Active Ingredients: Rotenone 1.00%; Other Cube Resins 1.60%. Method of Support: Application proceeds under 2(c) of interim policy. PM 17

EPA Reg. No. 432-502. S. B. Penick & Co., Comm. Dev. Pesticides, 215 Watchung Ave., Orange NJ 07050. SBP–1382–40 MF OIL BASE CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropane-carboxylate 40.00%; Related compounds 5.45%; Aromatic petroleum hydrocarbons 52.95%. Method of Support: Application proceeds under (c) of interim policy. Republished: Added use. PM17

EPA Reg. No. 70–203. Rigo Co., Buckner KY 40010. RIGO P.C.G. BLUE DEATH RAT AND MOUSE BAIT. Active Ingredients: 3-(alpha - Acetonylfurfuryl) - 4 - Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM11

EPA Reg. No. 572–285. Rockland Chemical Co., Inc., PO Box 809, West Caldwell NJ 07006. ROCKLAND PYRENONE ORGANIC VEGETABLE GARDEN SPRAY. Active Ingredients: Pyrethrins 0.02%; Piperonyl Butoxide, technical 0.20%; Petroleum distillate 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 829–216. Southern Agricultural Insecticides, Inc., Box 218, Palmetto FL 33561. S A BRAND 5 0 2% METHOMYL INSECTICIDE DUST. Active Ingredients: 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. 476–2107. Stauffer Chemical Co., 1200 South 47th St., Richmond CA 94804. ORDRAM 8-E. Active Ingredients: *S*-ethyl hexahydro-1*H*-azepine-1-carbothioate 90.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 475–1615. Stauffer Chemical Co. TILLAM 6-E. Active Ingredients: *S*-propyl butylethylthiocarbamate 77.32%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 557–RIAT. Swift Agriculture Chemicals, 111 W. Jackson Blvd., Chicago IL 60604. VIGORO BAHIA AND BERMUDA LAWN WEEDER & FEEDER. Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 0.084%; Dimethylamine Salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 0.260%; Dimethylamine Salt of Dicamba (3,6-dichloro-o-anisic acid) 0.032%. Method of Support: Application proceeds under 2(c) of the interim policy. PM25

EPA Reg. No. 876–195. Velsicol Chemical Corp. VELSICOL PROBE 75. Active Ingredients: Methazole 75.0%; Related Compounds 3.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 876–120. Velsicol Chemical Corp. GOLD CREST BANVEL 4S. Active Ingredients: Dimethylamine Salt of dicamba (3,6-dichloro-o-anisic acid) 49.0%; Dimethylamine Salts of related acids 7.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 876–178. Velsicol Chemical Corp. VELSICOL BANVEL X.P. PELLETS. Active Ingredients: Dicamba (3,6-dichloro-o-anisic acid) 10.0%; Related acids 1.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 499–180. Whitmire Research Laboratories, Inc., 3563 Tree Court Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 1200 AEROSOL GENERATOR. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 1.000%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amended Labeling. PM17

[FR Doc.76-24704 Filed 8-23-76;8:45 am]

[FRL 604-3; OPP—33000/451 & 452]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in

the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration 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.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315; PM 21 and 22—202/426-2454; PM 24—202/755-2196; PM 31—202/426-2635; PM 33—202/755-9041; PM 15, 16, and 17—202/426-9425; PM 23—202/755-1397; PM 25—202/755-7012; PM 32—202/426-9486; and PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed on or before October 26, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before September 23, 1976.

Dated: August 16, 1976.

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

APPLICATIONS RECEIVED (OPP-33000/451)

EPA Reg. No. 2749-247. Aceto Chemical Co., Inc., Agricultural Chemicals Div., 126-02 Northern Blvd., Flushing NY 11368. BARBAN EC POST-EMERGENCE WILD OAT HERBICIDE. Active Ingredients: Barban (4-Chloro-2-Butyryl-M-Chloro - Carbanilate) 11.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 33955-LUR. Acme Div., PBI-Gordon Corp., 300 South 3rd Street, Kansas City KS 66118. ACME DURSBAN GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 3051-72. AGCO Agricultural Products Co., Box 698, Mesquite NM. AGCO METHOMYL 2 INSECTICIDE DUST. Active Ingredients: S-methyl - N-[(methylcarbamoyl) oxy] thioacetimidate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 3442-624. USS Agri-Chemicals, P.O. Box 1685, Atlanta GA 30301. USS VERTAGARD MCPP-2,4-D (AMINE SALT) BROADLEAF WEED KILLER. Active Ingredients: Diethanolamine salt of 2-(3-Methyl-4-chlorophenoxy) propionic acid 31.00%; Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 15.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 6308-77. The Ansul Co., P.O. Drawer 1165, Weslaco TX 78596. ANSAR 529 H.C. HERBICIDE WESTERN FORMULATION. Active Ingredients: Monosodium Acid Methanearsonate 47.65%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-60. The Ansul Co. ANSAR 170 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 58.39%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-29. The Ansul Co. ANSAR 529 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 47.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-20. The Ansul Co. PHYTAR 560 HERBICIDE. Active Ingredients: Sodium Cacodylate 22.73%; Dimethylarsininc Acid (Cacodylic Acid) 3.88%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment: Added uses. PM23

EPA Reg. No. 10088-16. Athea Labs, Inc., 4180 N. First St., Milwaukee WI 53212. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 24.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5887-55. Black Leaf Products Co., 667 North State St., Elgin, IL 60120. Active Ingredients: Dimethylamine Salts of 2,4-Dichlorophenoxyacetic Acid 0.65%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 33313-3. Blakely-Wellgro, Inc., P.O. Box 26, Wellington CO 80549. TURF TONIC WEED AND FEED. Active Ingredients: Dimethylamine salts of 2,4-Dichlorophenoxyacetic Acid .67%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5011-60. Carmel Chemical Corp., Box 406, Westfield IN 46074. FORMULA GH-18. Active Ingredients: Naled-1,2-Dibromo-2,2 dichloroethyl dimethyl phosphate 10%; Aromatic petroleum distillate 45%; Petroleum distillate 45%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 34895-G. Central Solvents & Chemicals Co., 2465 South 1100 West, Wood Cross UT 84087. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 3125-148. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. Active Ingredients: fenthion 0,0-Dimethyl 0-(3-methyl-4-(methylthio)phenyl] phosphorothioate 93%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Method of Support changed from 2(a) to 2(b). PM15

EPA File Symbol 3125-277. Chemagro Agr. Div. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised Offer to Pay statement submitted. PM25

EPA Reg. No. 5549-70. Coastal Chemical Corp., PO Box 856, Greenville NC 27834. 2% METHOMYL INSECTICIDE DUST. Active Ingredients: Methomyl (S-methyl-N-[(methylcarbamoyl) oxy] thioacetimidate 2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 4715-304. Colorado International Corp., P.O. Box 7257, Denver CO 80207. BEST 4 SERVICE BRAND SURE DANDELION AND WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 4643-EO. Dearborn Chemical Div., Chemed Corp., Lake Zurich IL 60047. DEARCIDE 716 OXIDIZING MICROBIOCIDE. Active Ingredients: Trichloro-S-Triazinetrione 25.00%; Potassium Peroxymonosulfate 22.90%; Potassium Bisulfate 9.35%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 3772-28. Earl May Seed & Nursery Co., North Elm Street, Shenandoah IA 51630. EARL MAY GARDEN WEED PREVENTER. 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 File Symbol 3770-GEN. Economy Products Co., Inc., Box 427, Shenandoah IA 51601. GARDEN VEGETABLE AND FLORAL DUST. Active Ingredients: Malathion (o,o-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.00%; Methoxychlor, technical 5.00%; Captan: (N-(trichloromethyl) thio)-4-cyclohexene-1,2-dicarboximide) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM13

EPA Reg. No. 4816-428. FMC Corp., A.C.D., Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. PYRENONE SPACE SPRAY. Active Ingredients: Pyrethrins 0.3% Piperonyl Butoxide, Technical 2.4%; Petroleum Distillate 97.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 36867-R. Henley and Co., Inc., 750 Third Ave., New York NY 10022. TRI-N-BUTYLTINOXIDE. Active Ingredients: Bis (Tri-n-Butyltin) Oxide 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 4704-2. J. C. Ehrlich Chemical Co., Inc., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE RABBIT REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11

EPA File Symbol 32196-R. Kare Kemical, 148 Eagle Plaza, Opa Locka FL 33054. CONCENTRATED ALGICIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14, 60%; C12, 25%; C16, 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. 8940-5. Lite Weight Products, Inc., 707 Funston Rd., Kansas City KS 66115. SUP-RO 5 WEED AND FEED. Active Ingredients: Dimethylamine 2,4-Dichlorophenoxyacetate 1.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5204-16. M&T Chemicals Inc., Subsidiary of American Can Co., P.O. Box 1104, Rahway NJ 07065. BIOMET BLUE ANTIFOULING PAINT NO. 12122. Active Ingredients: Tributyltin fluoride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA File Symbol 38811-R. Muskol Enterprises Ltd., P.O. Box 644, 244 Pleasant St., Truro, N.S., Canada B2N5E5. MUSKOL INSECT REPELLENT. Active Ingredients: Dimethyl Phthalate 47.1%; 2-Ethyl 3 Hexanediol 41.0%; Indalone 11.9%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 38811-E. Muskol Enterprises Ltd. MUSKOL MARK II INSECT REPELLENT. Active Ingredients: Diethyl-Meta-Toluamide 95%; Related Toluamides (Para & Ortho) 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 9779-228. Riverside Chemical Co., P.O. Box 171199, Memphis TN 38117. RIVERSIDE FERMATE DUST. Active Ingredients: Ferbam (Ferric Dimethyldithiocarbamate) 11.40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 9779-203. Riverside Chemical Co., Box 17199, Memphis TN 38117. RIVERSIDE 2% METHOMYL DUST. Active Ingredients: Methomyl S-methyl-N-(methylcarbamoyl) thiocetimidate 2%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA File Symbol 8636-R. W. B. Enterprises Inc., Distributors of Stiles Kem Water Treatment Products, 4977 Santa Anita, Temple City CA. W. B. ENTERPRISES INC. ALGAECIDE WT-140. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 3.64%; n-alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chloride 3.64%; isopropanol 2.80%; n-alkyl (55% C14, 25% C12, 17% C16, 3% C18) methyl isoquinolinium chloride 2.42%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 22555-3. Stoller Chemical Co., Inc., 8705 Katy Freeway, Suite 400, Houston TX 77024. TOP COP WITH SULFUR. Active Ingredients: Sulfur as S 50.0%; Copper as Metallic 4.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM22

EPA File Symbol 7401-EGU. Voluntary Purchasing Groups, Inc., P.O. Box 460, Bonham TX 75418. SYTEMIC WEED & FEED. Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 0.050%; Dimethylamine Salt of 2-(2-methyl-1-chlorophenoxy) propionic acid 0.165%; Dimethylamine Sale of Dicamba (3-6-dichloro-o-anisic acid) 0.019%. Method of Support: Application proceeds under 2(b) of interim policy. Application for Reregistration. PM23

APPLICATIONS RECEIVED (OPP-33000/452)

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 Du Pont Bldg., Wilmington, DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 352-362. E. I. Du Pont De Nemours & Co., Inc., LANNATE WP METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy] thioacetimidate 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 352-342. E. I. Du Pont de Nemours & Co., Inc. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER. Active Ingredients: Methomyl S-methyl N[(methylcarbamoyl) oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 912-46. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. SYSTEMIC-T FERTILIZER PLUS INSECTICIDE. Active Ingredients: Phorate (0,0-diethyl S-[(ethylthio) methyl] phosphorodithioate .67%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 912-38. Farmers Union Central Exchange, Inc. SYSTEMIC-T FERTILIZER PLUS INSECTICIDE. Active Ingredients: Phorate (0,0 - diethyl S - [(ethylthio) methyl] phosphorodithioate 0.5%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 407-317. Imperial, Inc., PO Box 423, West 6th & Grass, Shenandoah IA 51601. IMPERIAL GARDEN WEEDER. Active Ingredients: Dimethylester of tetrachloroterephthalic acid 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-278. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. GREEN GOLD PRE-EMERGENCE CRABGRASS CONTROL. Active Ingredients: Dimethyl Tetrachloroterephthalate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-273. Lebanon Chemical Corp. LEBANON PREEMERGENCE WEED CONTROL. Active Ingredients: Dimethyl tetrachlorotherephthalate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-243. Lebanon Chemical Corp. LEBANON PREEMERGE CRABGRASS KILLER AND LAWN FERTILIZER 10-6-4. Active Ingriedients: Dimethyl tetrachloroterephthalate 2.90%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-225. Lebanon Chemical Corp. LEBANON CRABGRASS SEEDLING KILLER. Active Ingredients: Dimethyl tetrachloroterephthalate 4.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-205. Lebanon Chemical Corp. PENNSYLVANIA DUTCH PREEMERGE CRABGRASS KILLER. Active Ingredients: Dimethyl tetrachloroterephthalate 2.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 72-478. Miller Chemical & Fertilizer Corp., An Alco Standard Co., PO Box 333, Hanover PA 17331. MILLER WEED FREE. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-48. O. M. Scott & Sons, Marysville OH 43040. SPOT DANDELION CONTROL. Active Ingredients: Alkanolamine salts (ethanol and ispropanol series) of 2,4-Dichlorophenoxyacetic acid 1.66%; Dicamba-dimethylamine salt of (2-Methoxy-3,6-dichlorobenzoic acid) 0.31%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-45. O. M. Scott & Sons. PROTURF (R) BRAND BROAD SPECTRUM WEEDICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 2.95%; Dicamba (2 - methoxy - 3,6 - dichlorobenzoic acid) 1.00% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-44. O. M. Scott & Sons. BONUS (R) TYPE B. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 0.40%; Dicamba (2-Methoxy-3,6-dichlorobenzoic acid) 0.07%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-33. O. M. Scott & Sons. PROTURF FERTILIZER PLUS DICOT

WEED CONTROL. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 1.10%; Dicamba (2-Methoxy-3,6-dichlorobenzoic acid) 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-9. O. M. Scott & Sons. KANSEL (R) BRAND. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 2.95%; Dicamba (2-Methoxy-3,6-dichlorobenzoic acid) 0.48%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 201-324. Shell Chemical Co., Agricultural Div., 1025 Connecticut Ave. NW, Suite 200, Washington DC 20036. NUDRIN 90 METHOMYL INSECTICIDE WATER SOLUBLE POWDER. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] - thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 449-476. Techne Corp., St. Joseph MO 64502. TECHNE FERBAM 76. Active Ingredients: Ferbam (Ferric dimethyl dithiocarbamate) 76.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 226-192. Tobacco States Chemical Co., Inc., Box 479, Lexington KY 40501. TOBACCO STATES BRAND DISULFOTON TOBACCO. Active Ingredients: O,O-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM15

[FR Doc.76-24705 Filed 8-23-76;8:45 am]

[FRL 604-4; OPP-33000/453]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration 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 pesticides 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, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315; PM 21 and 22—202/426-2454; PM 24—202/755-2196; PM 31—202/426-2635; PM 33—202/755-9041; PM 15, 16 and 17—202/426-9425; PM 23—202/755-1397; PM 25—202/755-7012; PM 32—202/426-9486; and PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed on or before October 26, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before September 23, 1976.

Dated: August 16, 1976.

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

APPLICATIONS RECEIVED (OPP-33000/453)

EPA File Symbol 35988-R. Aerosol West, PO Box 5103, Ventura CA 93003. INSECTICIDE, AEROSOL RESMETHRIN—2%. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl- 3 -(2 - methylpropenyl) cyclopropanecarboxylate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 39259-A. The Aluvis Co., 23996 Clawiter St., Hayward CA 94545. RAT-X ALL WEATHER RAT BAIT READY TO USE BLOCKS. Active Ingredients: Diphacinone (2-diphenylacetyl-1,3-indandione) 0.005%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39259-L. The Aluvis Co. RAT-XW ALL WEATHER RAT BAIT READY TO USE BLOCKS. Active Ingredients: Warfarin [3-(a-acetonylbenzyl)-4-hydroxycoumarin] 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39259-U. The Aluvis Co. RAT-XW FENCE BLOCK ALL WEATHER ROOF RAT BAIT READY TO USE BLOCKS. Active Ingredients: Warfarin [3-(a-acetonlbenzyl)-4-hydroxycoumarin] 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39259-G. The Aluvis Co. RAT-XP ALL WEATHER RAT BAIT READY TO USE BLOCKS (SEWERS). Active Ingredients: Pival [2-Pivalyl-1,3-Indandione] 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39259-R. The Aluvis Co. RAT-X FENCE BLOCK ALL WEATHER ROOF RAT BAIT READY TO USE BLOCKS. Active Ingredients: Diphacinone [2-diphenylacetyl-1,3-indandione] 0.005%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA Reg. No. 3-378-6. Aqua Process Chemicals, PO Box 20155, Houston TX 77025. S-75 MICROBIOCIDE. Active Ingredients: 2-(Thiocyanomathylthio)-benzothiazole 8.-0%; 2-Hydroxypropylmethane-thiosulfonate 7.0% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM33

EPA File Symbol 5734-T. Avril, Inc., 601 N. Third St., Reading PA 19601. AVRIL SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 5887-97. Black Leaf Products Co., 667 N. State St., Elgin IL 60120. BLACK LEAF WEED PREVENTER. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 36535-G. Carnation Co., 5051 Wilshire Blvd., Los Angeles CA 90036. ALBERS RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 36535-E. Carnation Co. RED ROSE RABON 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichloronphenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 4715-234. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND

DANDELION DESTROYER. Active Ingredients: Dimethylamine Salt of Dicamba (3,6-dichloro-o-anisic acid) 3.43%; Dimethylamine Salts of Related Acids 0.55%; Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 17.22%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3770-218. Economy Products Co., Inc., PO Box 427, Shenandoah IO 51601. DACTHAL 50W HERBICIDE. Active Ingredients: Dimethyl Tetrachloroterephthalate 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 3770-180. Economy Products Co., Inc., ECONOMY DACTHAL HERBICIDE FOR ORNAMENTALS (GRANULAR). Active Ingredients: Dimethyl Tetrachloroterephthalate 4.16%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3770-176. Economy Products Co., Inc. ECONOMY DACTHAL HERBICIDE FOR VEGETABLES (GRANULAR). Active Ingredients: Dimethyl Tetrachloroterephalate 4.16%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3770-52. Economy Products Co., Inc. ECONOMY CRAB GRASS CONTROL. Active Ingredients: Dimethyl tetrachloroterephthalate 4.16%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1990-365. Farmland Industries, Inc., c/o Regulatory Affairs Dept., PO Box 7305, Kansas City MO 64116. CO-OP BIG 2 LAWN FERTILIZER. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, dimethylamine salt 1.00%; 3,6-dichloro-o-anistic acid (Dicamba), dimethylamine salt 0.25%; Related acids of dimethylamine salts 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1990-362. Farmland Industries, Inc. CO-OP LAWN AND GARDEN WEED KILLER DACTHAL (8) GRANULES. Active Ingredients: Dimethyl tetrachloroterephthalate (Dacthal) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1990-332. Farmland Industries, Inc. CO-OP BANVEL D/2,4-D GRANULES LAWN WEED KILLER. Active Ingredients: 3,6-dichloro-o-anisic acid (Dicamba), dimethylamine salt 0.28%; 2,4-Dichlorophenoxyacetic acid, dimethylamine salt 0.83%; Related acids of dimethylamine salt 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1990-310. Farmland Industries, Inc. CO-OP BROAD LEAF WEED KILLER. Active Ingredients: 3,6-dichloro-o-anisic (Dicamba), dimethylamine salt 6.48%; 2,4-dichlorophenoxyacetic acid, dimethylamine salt 25.92%; Related acids of dimethylamine salts 1.14%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 9198-30. Free Flow Fertilizer, PO Box 119, Maumee OH 43537. TURF CARE 20-4-10 WITH 0.92% BENEFIN. Active Ingredients: N-butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine 0.92%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 39902-R. Florida Correctional Industries, Glades Correctional Institute, 500 Orange Ave. Circle, Tallahassee FL 33430. DEE-CEE CONCENTRATED DISINFECTANT. Active Ingredients: Trisodium Phosphate 2.27%; Sodium Tripolyphosphate 2.27%; Diethanolamides of coconut fatty acids 6.93%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.70%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.70%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 8780-41. High Point Mills, Inc., 1225 Lehigh Station Rd., Henrietta NY 14467. ANTHIC LAWN WEED KILLER PLUS FERTILIZER. Active Ingredients: 2-(2-methyl-4-chlorophenoxy) propionic acid, dimethylamine salt 1.06%; 2,4-dichlorophenoxyacetic acid, sodium salt monohydrate 1.08%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2342-705. Kerr-McGee Chemical Corp., Kerr-McGee Center, PO Box 25861, Oklahoma City OK. FASCO GRANSIL 10P. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 39101-E. Lamar Chemical Co., Box 177, Petal MS 39465. ALL-PRO SANITIZER-CLEANER. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%; Sodium Carbonate 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7796-L. Dr. MacDonald's Vitamized Feed Co., Inc., Highway 20W., PO Box 1077, Fort Dodge IA 50501. DR. MCDONALD'S EX-L FLY CONTROL VY-TAB-O-LATOR. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.79%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 8123-74. Frank Miller & Sons, Inc., 13831 S. Emerald Ave., Chicago IL 60627. GRANULAR HERBICIDE. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 8123-72. Frank Miller & Sons, Inc. GRANULAR WEED AND VEGETATION KILLER. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6 - methyluracil) 3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 8123-13. Frank Miller & Sons, Inc. WEED AND VEGETATION KILLER. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.0%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1769-143. National Chemsearch, Div. of USACHEM, Inc., 2727 Chemsearch Blvd., Irving, TX 75062. NATIONAL CHEMSEARCH APOLLO 445. Active Ingredients: Diethanolamine salt of 2-(2-Methyl-4-chlorophenoxy) proprionic acid 8.0%; Diethanolamine salt of 2,4-Dichlorophenoxyacetic 8.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 3635-EEA. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1219. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 1812-212. Parramore & Griffin, Box 188, Valdosta GA 31601. METHOMILL TOBACCO DUST. Active Ingredients: Methomyl [S-methyl - N - (methylcarbamoyl) oxy] thioacetimidate 2.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 2169-180. Patterson Chemical Co., Div. Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GARDEN WEED PREVENTER (CONTAINS DACTHAL). Active Ingredients: Dimethyl Tetrachloroterephthalate 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1159-165. Seacoast Laboratories, Inc., 257 Hwy. 18, PO Box 157, East Brunswick NJ 08816. TWIN LIGHT PROFESSIONAL DACTHAL CRABGRASS PREVENTER. Active Ingredients: Dimethyl Tetrachloroterephthalate 4.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7401-171. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham, TX 75418. FERTI-LOME SYSTEMIC WEED KILLER. Active Ingredients: Dimethylamine Salt of Dicamba (3,6-dichloro-o-anisic acid) 1.43%; Dimethylamine Salt of Related Acids .23%; Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 8.23%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7401-40. Voluntary Purchasing Groups, Inc, FERTI-LOME BROAD SPECTRUM WEED KILLER. Active Ingredients: Dimethylamine Salt of Dicamba (3,6-dichloro-o-anisic acid) 3.43%; Dimethylamine Salt of related acids 0.61%; Dimethylamine Salts of 2,4-dichlorophenoxyacetic acid 20.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7401-37. Voluntary Purchasing Groups, Inc. FERTI-LOME WEED & FEED FOR CONTROLLING WEEDS. Active Ingredients: Dimethylamine Salt of Dicamba (3,6-dichloro-o-anisic acid) 0.11%; Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 0.31%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

[FR Doc.76-24706 Filed 8-23-76;8:45 am]

FEDERAL MARITIME COMMISSION

[FMC-142(a); (Rev. 3/74)]

MED-GULF CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide

a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MED-GULF CONFERENCE

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006

Agreement No. 9522-27, among the members of the above-named conference, modifies the basic agreement by establishing a separate section for Puerto Rican tariff with exclusive jurisdiction over the tariff rules and regulations apropos to that section.

By Order of the Federal Maritime Commission.

Dated: August 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-24772 Filed 8-23-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP68-16]

CITIES SERVICE GAS CO.

Filing of Releases

AUGUST 11, 1976.

Take notice that on June 28, 1976, Cities Service Gas Company (Cities) filed, pursuant to Paragraph (E) of the Commission's order issued on January 30, 1969, in this docket, copies of 22 releases received by Cities from its customers. In filing its refund report on November 8, 1975, in this docket, Cities noted that releases had not been received from 23 jurisdictional customers at the time of the report but that such releases would be filed with the Commission upon receipt.

Cities states that with the exception of the Town of Gate, Oklahoma (Gate), Cities has now supplied to the Commission copies of the releases from all customers which were mailed refunds on October 11, 1973. Gate, according to Cities, failed to negotiate two separate refund sheets mailed to it by Cities; Cities reduced Gate's May, 1976 bill by the amount of the refund in order to fulfill its refund obligation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24744 Filed 8-23-76;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS NATIONAL CORP.

Formation of Bank Holding Company

Citizens National Corporation, Wisner, Nebraska, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent (or more) of the voting shares of Citizens National Bank of Wisner, Wisner, Nebraska. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 17, 1976.

Board of Governors of the Federal Reserve System, August 18, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-24744 Filed 8-23-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Corrections to Automated Data and Telecommunications Service (ADTS) Systems of Records

On August 27 and October 7, 1975, there were published in the FEDERAL REGISTER (40 FR 39185 and 46421) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a. Notice is hereby given that the General Services Administration proposes to revise and correct these systems of records to clarify the contents of the systems and their routine uses and to correct minor inaccuracies. The systems of records identified as GSA/ADTS 1, Classified Control Files; GSA/ADTS 3, Discretionary Supervisor Files; GSA/ADTS 5, Financial Management Files; and GSA/ADTS 6, Personnel Administrative Files, are revised to correct minor inaccuracies. GSA/ADTS 4, Emergency Notification Files, is revised to clarify the routine uses and correct minor inaccuracies; and GSA/ADTS 8. Key Personnel and Essential Residence Telephone Directory, is revised to change the system's name and to clarify the telephone listings contained in the system and the system's routine uses. None of the changes requires a new system report.

Any person interested in commenting on the additional routine uses contained in this notice may do so by submitting comments in writing to General Services Administration (BR), Washington, DC 20405. Comments must be submitted on or before September 23, 1976.

GSA/ADTS 1

System name: Classified Control Files, GSA/ADTS.

System location: Office of Telecommunications, Central Office and regional offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

Categories of individuals covered by the system: Employees of GSA, other Government agencies, and commercial corporations.

Categories of records in the system: Records are mantained in this nonautomated system for the purpose of ensuring control over access to classified information and facilities. Contains records such as: Security clearance levels, identificaiton credentials, registers, access authorizations, official courier/messenger designations, security officer appointments, files custodian lists, security briefings, and acknowledgments.

Authority for maintenance of the system: Executive Order 10450, April 27, 1953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining and exchanging current information regarding authority of personnel to gain access to classified material or facilities. Documenting responsibilities of designated personnel to administer the overall security program. Used to verify clearance for access to classified material or facilities; to allow performance of maintenance and repair of classified communications equipment; and to verify authority to release, transport, and receive classified material, both inter and intra agency. Other routine uses are contained in the appendix following the GSA notices.

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

Storage: Paper files kept in safes or storage cabinets.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Storage containers are either locked or located in a limited access area.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

Systems manager(s) and address: Chief, Secure and Emergency Commu-

nications Branch, Office of Telecommunications, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Service Administration (CTOS), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the Chief, Secure and Emergency Communications Branch, at the above address or to the Director, Telecommunications Division, of the appropriate regional office at the address listed in the appendix following GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: The individuals themselves, requests for clearance and/or access, and other security forms.

GSA/ADTS 3

System name: Discretionary Supervisor Files, GSA/ADTS

System location: Normal place of business of supervisor in either the GSA/ADTS Office or regional locations. The addresses are listed in the appendix following the GSA/ADTS notices.

Categories of individuals covered by the system: ADTS employees including those in intern, youth employment, and temporary status.

Categories of records in the system: Records are maintained in this nonautomated system at the complete discretion of the ADTS supervisor. Contains records such as personnel actions, training requests, performance appraisals, letters of commendation, citations, awards, job descriptions, accident reports, supervisor's assessment, career counseling, leave record, copies of warnings, grievances, reprimands, attendance, annotated organizational charts, selection brief, outside employment, and labor relations.

Authority for maintenance of the system: Title 5 U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), are described in the appendix following the GSA notices.

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

Storage: Paper files stored in metal lockable filing cabinets and metal lockable desk drawers.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records are maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

Systems manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the individual's immediate supervisor. Any required additional assistance can be obtained from the system manager identified above, or the Regional Commissioner of the appropriate regional office at the address listed in the appendix following the GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: The individuals themselves, personal observations of the supervisor, conversations, copies of documents prepared by the supervisor, and other employees.

GSA/ADTS 4

System name: Emergency Notification Files, GSA/ADTS.

System location: Central and Regional Offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

Categories of individuals covered by the system: GSA/ADTS Central Office and regional employees.

Categories of records in the system: Records are maintained in this nonautomated system for the purpose of notifying and identifying employees or their designees under emergency conditions. Contains records such as: employees name, address, position title, office phone number, and home phone number.

Authority for maintenance of the system: Title 5 U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining a current listing of Federal officials to be contacted during national disasters, contingency and emergency situations; and providing this information, as necessary, in disasters or public or personal emergencies, to concerned agencies, telephone companies, telecommunications common carriers, civil defense, and other activities and individuals involved in the emergency or relief effort. Contacting officials in support of Federal Emergency Plan D and NCS Plan for Communications Support in major disasters and emergencies. Other routine uses are contained in the appendix following the GSA Notices.

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

Storage: Paper files kept in safes or storage cabinets.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Storage containers are either locked or located in a limited access area. Information is released only to authorized officials.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Secure and Emergency Communications Branch, Office of Telecommunications, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Administration (CTOS), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the system manager identified above or to the Director, Telecommunications Division, at the regional office at the address listed in the appendix following the GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: The individuals themselves, their supervisors, emergency listings, disaster plans, and personnel files.

GSA/ADTS 5

System name: Financial Management Files, GSA/ADTS.

System location: Financial Management Division, ADTS, at the Central Office and in the offices of the ADTS Commissioners and Telecommunications Division Directors in the regional offices at the address listed in the appendix following the GSA/ADTS notices.

Categories of individuals covered by the system: GSA/ADTS Central Office and regional employees.

Categories of records in the system: Records are maintained in both paper and automated form for the purpose of financial management. Contains information on financial projections for short and long range planning, preparation of annual financial plans, monthly and quarterly analysis of operation funds, and verifying accounting reports. Contains records such as: Travel logs, transportation requests, claims, vouchers, within grade notices, pay changes, operator cost data, credit cards, requisitions, overtime requests, operating plans, time and attendance files, payroll, commercial call certifications, employment staffing, retirement eligibility, and manpower and payroll statistics.

Authority for maintenance of the system: Title 31 U.S.C. Sections 66a and 66b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records, as defined in 5 U.S.C. 552(a)(7) and provided for in 5 U.S.C. 552(b)(3), are described in the appendix following the GSA notices.

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

Storage: Paper files are kept in storage containers. Magnetic tapes are filed in a tape library.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records containing personal information are maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access. Tapes and other records are located in a limited access area.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Service Administration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be addressed to the system manager identified above or to the Regional Commissioner of the appropriate regional office at the address listed in the appendix following the GSA/ADTS notices.

Record access procedures: Same individual as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: Telephone Inventory Accounting System and individuals submitting the various types of claims, vouchers, and requests.

GSA/ADTS 6

System name: Personnel Administrative Files, GSA/ADTS.

System location: Central Office and regional offices of ADTS at the addresses listed in the appendix following GSA/ADTS notices.

Categories of individuals covered by the system: GSA, ADTS, Central Office and regional employees.

Categories of records in the system: Records are maintained in this nonautomated system for the purpose of administering personnel matters in the ADTS Central Office and regions. Contains annotated organizational charts, training, duty and leave schedules, travel requests, authorizations, reprimands, warnings, vouchers, appraisals, position descriptions, biographic and career information, suggestions, details, personnel actions, grievance and appeal files, EEO files, personnel ceiling control, licenses, awards, essential residence telephone service listing, skill directory, trainee and intern files, property receipts, rosters, locators, job applications, and surveys.

Authority for maintenance of the system: Title 5 U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Action taken with Civil Service Commission or pending on grievances, reprimands, warnings, suggestions, etc. Other routine uses are described in the appendix following the GSA notices.

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

Storage: Paper files kept in metal lockable filing cabinets or metal lockable desk drawers.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Buildings employ security guards. Records maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, ADTS, GS Building, 18th & F Streets, NW., Washington, DC; mailing address: General Services Admisistration (CX), Washington, DC 20405.

Notification procedure: Inquiries should be directed to the employee's immediate supervisor. Any additional assistance can be obtained from the system manager identified above, or the Regional Commissioner of the appropriate regional office at the address listed in the appendix following the GSA/ADTS notices.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: The individuals themselves, their supervisors, and from other ADTS employees.

GSA/ADTS 8

System name: Special Purpose Telephone Contact Listings, GSA/ADTS.

System location: GSA/ADTS Regional Telecommunications Offices and GSA operated switchboards within the ten GSA regions and the FTS Central Information Service and Emergency Poison Control listings at GSA, ADTS Region 3. See Appendix GSA/ADTS Address of Locations following the GSA/ADTS notices.

Categories of individuals covered by the system: Federal agency personnel as designated by the Federal agencies.

Categories of records in the system: Includes listings such as Key Personnel and Essential Residence Telephone Listing for the purpose of identifying essential residential telephone service to designated key officials in time of emergency; FTS Central Information Service for the purpose of contacting key officials for necessary day-to-day operations and in emergency situations; Emergency Poison Control Listings for the purpose of providing emergency medical assistance; and other listings of key officials for the purpose of day-to-day operations and emergencies. These listings may include name, position, title, office address, office telephone number, home address, and/or home telephone number.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: The routine uses of these records, as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3), shall include: (1) The transfer to GSA of the above described information from the Federal agency responsible for collecting the information for inclusion in the GSA-maintained nationwide central information service and in regional listings of Federal personnel designated as key personnel or points of contact; (Personal information; i.e., home address or telephone number, will not be disclosed to a caller. The GSA switchboard operator will either "patch" the call through to the subject, or will notify the subject that a call has been made to him for callback purposes.) (2) the transfer of designated essential residence information (and deletions from such list) in the regions to the appropriate telephone companies to provide emergency line load control pursuant to 41 CFR 101–35.6; and (3) those routine uses described in the appendix following the GSA notices.

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

Storage: Paper, tapes, and/or cards.

Retrievability: Indexed by name and/or agency.

Safeguards: Limited access areas and records are accessible only to authorized personnel of GSA.

Retention and disposal: Maintained until rescinded by authorized agency.

System manager(s) and address: The officials responsible for the telephone contact listings are: (1) Central Information Service and Emergency Poison Control: Regional Director, Telecommunications Division, Region 3; (2) Regional listings: Regional Director, Telecommunications Division, in the appropriate region. The addresses of the responsible officials are listed in the appendix following the GSA/ADTS notices.

Notification procedures: Information may be obtained from the officials listed above.

Record access procedures: Same individuals as above.

Contesting record procedures: GSA rules for access to systems of records, contesting the contents of a system of records, and appealing initial determinations are promulgated in 41 CFR Part 105–64, published in the FEDERAL REGISTER.

Record source categories: Information provided by Federal agencies and subject individuals.

Dated at Washington, D.C., on August 13, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-24723 Filed 8-23-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARTISTS-IN-SCHOOLS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Artists-In-Schools Advisory Panel to the National Endowment for the Arts will be held on September 13-14, 1976 from 9:00 a.m.-5:00 p.m. in the 14th floor conference room of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on September 13 from 9:00 a.m.-11:00 a.m. and on September 14 from 2:00 p.m.-5:00 p.m. on a space available basis. Accommodations are limited. On September 13 the agenda for this portion will include: (1) An Orientation (2) An overview of components of the A-I-S Program. On September 14 the agenda will include: (1) Preview of the January or February Panel Policy (2) Film on A-I-S (3) Discussion.

The remaining sessions of this meeting on September 13 from 11:00 a.m.-5:00 p.m. and on September 14 from 9:00 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.76-24735 Filed 8-23-76;8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the Federal Graphics Improvement Program will be held on September 15, 1976 from 9:30 a.m.-4:00 p.m. in Room 1127 of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on September 15 from 9:30 a.m.-1:30 p.m. and from 2:30 p.m.-4:00 p.m. on a space available basis. Accommodations are limited. Interested persons may submit written statements with the committee. During the open session the there will be a general discussion on the graphics material of the Energy Research and Development Agency.

The remaining sessions of this meeting on September 15 from 1:30 p.m.-2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-24736 Filed 8-23-76;8:45 am]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

AUGUST 6, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on September 20 and 21, 1976, commencing at 9:30 a.m., in Room 1130 at 806 15th Street, N.W.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-24741 Filed 8-23-76;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Endowment for the Arts will be held on September 13-15, September 20, and October 5, 1976 from 9:30 a.m.-6:00 p.m. in Room 1115 of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

These meetings 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, 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.76-24737 Filed 8-23-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 08/18/76 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or re-

viewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Credit Reference, SBA 143, on Occasion, Creditors of SBA Loan Applicants, Warren Topelius, 395-5872.

Contractor's Estimate, SBA 1018B, on Occasion, Contractors Estimating Damage for SBA Loan Program, Warren Topelius, 395-5872.

Personal Financial Statement, SBA-413, on Occasion, Applicants for Disaster Loans, Warren Topelius, 395-5872.

Disaster Loan Application: Home, SBA-5C, 739, on Occasion, Applicants for Disaster Loans, Warren Topelius, 395-5872.

VETERANS ADMINISTRATION

Evaluation of Treatment of Drug-Dependent Patients, Follow-Up Form, 10-1471B, Single-Time, Patients and Former Patients of VA Drug Dependence Treatment Prog Housing, Veterans and Labor Division, Reese, B. F., 395-3532.

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Application for grant of an Annuity Pursuant to Section 523(C) Pub. L. 94-350, Approved July-12, 1976, DSP-91, on Occasion, Widows of Deceased Forest Service Officers, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Grain Marketing Survey (Wisconsin), Single-Time, Corn and Soybeans Producers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Instructional Dimensions Study Forms, NIE 161, Single-Time, LEA Administrators, Principals, Teachers, Kathy Wallman, 395-6140.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Special Recreation Application and Permit (Long Form), 6260-5, on Occasion, Applicants for Permits, Warren Topelius, 395-5872.

REVISIONS

NATIONAL SCIENCE FOUNDATION

Survey of Scientific and Engineering Expenditures at Universities and Colleges, NSF 411, Annually, Institutions of Higher Education with Science Programs, Kathy Wallman, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Institutional Surveys of Bilingual Education Training, OE 2383-1, Single-Time, Institutions of Higher Education, Kathy Wallman, 395-6140.

DEPARTMENT OF LABOR

Employment and Training Administration, Trade Readjustment Allowance Activities and Employability Services (Part D of 1974 WAA Handbook), MA 5-63, Monthly, State Employment Security Agencies for Petitions Under Trade Act, Laverne V. Collins, 395-5867.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration, Reparation Complaint (Packers and Stockyards Act Violations), PSA-202, on Occasion, Livestock Producers, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Economic Development Administration, Depository Bank Acceptance and Confirmation Statement, ED-1004, on Occasion, Units of Local Government, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Departmental and Other Youth Attitude Tracking Study, Semi-Annually, 16-21-year Old Male Civilians, George Hall, Maria Gonzalez, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Hospital Questionnaire for Indiana Prospective Payment Study, SSA-3174, Single-Time, Participating Hospitals in Indiana, Michigan, Iowa, Illinois, and Minnesota, George Hall, Sunderhauf, M. B., 395-6140.

Health Resources Administration Grant Application, RMP, BHRD 0718, on Occasion, Specialized Non-Profit Agencies, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-24897 Filed 8-23-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Concord District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, September 9, 1976, at the Federal Building, 55 Pleasant Street, Room 304, Concord, New Hampshire, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Bert F. Teague, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, 603/834-4724.

Dated: August 18, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-24689 Filed 8-23-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA) OF 1973

Designation of Fiscal Year 1977 Prime Sponsors

The Comprehensive Employment and Training Act (CETA) authorizes the Secretary of Labor to grant funds to State and local governments, and to other specified parties, to act as prime sponsors of programs to provide training and employment services to persons in need of such assistance. Notice is hereby given for the designation of 445 CETA prime sponsors for Fiscal Year 1977.

The entire list of prime sponsors is published here to inform all interested parties.

NOTE.—Wherever indicated in this material, the * will mean: An independently eligible applicant which has elected to either join a consortium or be served by another prime sponsor.

FISCAL YEAR 1977 TITLE I PRIME SPONSOR DESIGNATION BY REGION

REGION I

Connecticut

Bridgeport consortium:
Bridgeport*
Easton
Fairfield
Milford
Monroe
Stratford
Trumbull
Hartford consortium:
Hartford*
Avon
Bloomfield
Canton
East Granby
East Hartford
Enfield
Farmington
Glastonbury
Granby
Manchester
Rock Hill
Simsbury
South Windsor
Suffield
West Hartford
Wethersfield
Windsor Locks
Bolton
Ellington
Somers
Stafford
Tolland
Vernon
Andover
East Windsor
Marlborough
New Haven consortium:
New Haven*
West Haven
Bethany
Branford
East Haven
Guilford
Hamden
Madison
North Branford
North Haven
Orange
Woodbridge
Wallingford
Stamford consortium:
Stamford*
Greenwich
Darien
Waterbury
Balance of Connecticut

Maine

Cumberland County consortium:
Cumberland County*
Oxford County
Penobscot County consortium:
Penobscot County*
Hancock County
Kennebec County
Balance of Maine
York County*

Massachusetts

Boston City
New Bedford consortium:
New Bedford*
Acushnet City
Dartmouth
Fairhaven
Marion
Mattapoisett
Rochester
Wareham
Springfield consortium:
Springfield*
Chicopee City
Holyoke
Westfield
Agawam
East Longmeadow
Hampden
Holland City
Longmeadow
Ludlow
Monson City
Palmer City
Southwick City
West Springfield
Wilbraham
Branford
Brimfield
Chester
Granville
Montgomery
Russell
Tolland
Wales
Worcester consortium:
Worcester*
Auburn City
Boylston
Grafton
Holden
Leicester
Milbury
Northborough

Massachusetts—Continued

Paxton
Rutland
Shrewsbury
Spencer
Westborough
West Boylston
Cambridge consortium:
Cambridge*
Watertown City
Somerville City
Arlington City
Belmont City
Brockton consortium:
Brockton*
Abington
Avon
Bridgewater
East Bridgewater
West Bridgewater
Easton
Hanson
Stoughton
Whitman
Lowell consortium:
Lowell*
Billerica City
Chelmsford
Dracut
Dunstable
Tewksbury
Tyngsborough
Westford City
Balance of Massachusetts

New Hampshire

Rockingham/Strafford consortium:
Rockingham County*
Stafford County
Hillsboro County
Balance of New Hampshire

Rhode Island

Providence
Balance of Rhode Island

Vermont

Balance of Vermont
Chittenden County*

REGION II

New Jersey

Atlantic County
Hudson County consortium:
Hudson County*
Jersey City*
Monmouth County
Essex County
Newark City
Morris County
Union County
Elizabeth City
Middlesex County
Bergen County
Passaic County
Paterson City
Mercer County
Trenton City
Cumberland County
Burlington County
Camden County
Gloucester County
Ocean County
Somerset County
Balance of New Jersey
Camden City

New York

Albany consortium:
Albany County*
Albany City*
Rensselaer County
Saratoga County
Schenectady County
Erie consortium:
Erie County*
Cheektowaga*
Tonawanda*
Buffalo City
Niagara County
Broome County
Chemung County
New York City
Rockland County
Westchester consortium:
Westchester County*
Putnam County
Yonkers City
Nassau consortium:
Town of Hempstead*
North Hempstead *
Oyster Bay*
Suffolk consortium:
Town of Babylon*
Town of Brookhaven*
Town of Huntington*
Town of Islip*
Town of Smithtown*
Balance of Suffolk County
Dutchess County
Monroe/Rochester consortium:
Monroe County*
Rochester City*
Oswego County
Onondaga County
Syracuse City
Oneida County
Chautauqua consortium:
Allegany County
Chautauqua County*
Cattaraugus County
Orange County
St. Lawrence County
Ulster County
Balance of New York
Steuben County

Puerto Rico

Ponce Muncipio
Bayamon Municipio
Carolina Municipio
San Juan consortium:
Catano Municipio
Guaynabo Municipio
San Juan Municipio*
Balance of Puerto Rico
Mayaguez Municipio
Caguas Municipio

Virgin Islands

REGION III

Delaware

Wilmington
State of Delaware Intergovernmental Manpower consortium:
New Castle County*
Balance of Delaware*

Maryland

Baltimore consortium:
Baltimore City*
Baltimore County*
Anne Arundel County*
Hartford*
Carroll County
Howard County
Montgomery County
Prince George's County
Western Maryland consortium:
Washington County*
Allegheny County
Garrett County
Frederick County
Balance of Maryland

Pennsylvania

Lehigh Valley consortium:
Lehigh County*
Northampton County*
Allentown*
Southern Allegheny consortium:
Cambridge County*
Blair County*
Somerset County
Bedford County
Fulton County
Huntingdon County
Erie County
Erie City
Susquehanna consortium:
Cumberland County*
Dauphin County*
Perry County
Bucks County
Chester County
Delaware County
Montgomery County
Philadelphia City
Alleghany County
Pittsburgh City
Beaver County
Washington County
Westmoreland County
Berks County
Luzerne County
York County
Lycoming consortium:
Lycoming County*
Clinton County
Tri-County consortium:
Butler*
Armstrong
Indiana County
Fayette County
Franklin County
Lawrence County
Mercer County consortium:
Mercer County*
Crawford County
Warren County
Forrest County
Clarion County
Venango County
Schuykill consortium:
Schuykill County*
Carbon County
Scranton City
Centre County
Northumberland County
Lancaster consortium:
Lancaster County*
Lebanon County
Lackawanna County
Balance of Pennsylvania

Virginia

Penninsula consortium:
Newport News*
Hampton City*
Williamsburg
James City/County
York County
Town of Poquoson
STAMA consortium:
Norfolk*
Portsmouth*
Virginia Beach*
Chesapeake*

Virginia—Continued

Suffolk
Franklin City
Isle of Wight County
Southhampton County
RAMPS consortium:
Richmond*
Charles County
Goochland County
New Kent County
Powhatan County
Henrico County consortium:
Henrico County*
Chesterfield County
Hanover County
Roanoke consortium:
Roanoke
Salem
Covington
Clifton Forge
Alleghany County
Botetourt County
Craig County
Roanoke County
Arlington County
Fairfax County
Prince William County
Alexandria
Balance of Virginia

West Virginia

Statewide consortium:
Kanawha County*
Cabell County*
Balance of State West Virginia*

District of Columbia

REGION IV

Alabama

Birmingham consortium:
Birmingham*
Jefferson County*
Huntsville consortium:
Huntsville*
Madison County
Mobile consortium:
Mobile City*
Mobile County*
Baldwin County
Escambia County
Montgomery consortium:
Montgomery City*
Autauga County
Elmore County
Montgomery County
Tuscaloosa County
Balance of Alabama
Calhoun County*
Balance of State

Florida

Volusia County
Lee County
Alachua County
Brevard County
Orange County/Orlando consortium:
Orange County*
Orlando City*
Escambia County
Sarasota County
Pasco County
Palm Beach County
Heartland Manpower consortium:
Polk County*
Highlands County
DeSota County
Hardee County
Okeechobee Count
Miami/Dade consortium:
Dade County*
Miami City*
Hialeah*
Monroe County
N.E. Florida Manpower consortium:
Jacksonville/Duvall County*
Nassau County
Baker County
Broward consortium:
Broward County*
Fort Lauderdale*
Hollywood*
Leon/Gadsen consortium:
Leon County*
Gadsen County
St. Petersburg consortium:
St. Petersburg*
Pinellas County*
Tampa consortium:
Tampa*
Hillsborough County*
Balance of Florida
Manatee County
Seminole County

Georgia

Atlanta City
Fulton County
DeKalb County
Cobb County
CSRA consortium:
Richmond County*
Burke County
Columbia County
Emanuel County
Glascock County
Jenkins County
Lincoln County
Jefferson County
Screven County
Taliaferro County
Warren County
Wilkes County
McDuffie County
Savannah/Chatham

Georgia—Continued

consortium:
Savannah*
Chatham County
Mid Georgia consortium:
Macon County*
Jones County
Crawford County
Twiggs County
Monroe County
Peach County
Houston County
Bibb County
Columbus Area consortium:
Columbus/Muscogee County*
Chattahoochee County
Clayton County
Balance of Georgia
Gwinnett County

Kentucky

Kenton County
Louisville/Jefferson consortium:
Louisville*
Jefferson County*
Blue Grass Manpower consortium:
Lexington/Fayette*
Franklin County
Madison County
Clark County
Bourbon County
Scott County
Woodford County
Balance of Kentucky
Eastern Kentucky Rural CEP

Mississippi

Jackson consortium:
Jackson County*
Rankin County
Hines County
Balance of Mississippi
Jackson County*
Harrison County*

North Carolina

Buncombe County
Cumberland County
Gaston County
Onslow County
Charlotte City
Davidson County
Wake County
Winston Salem consortium:
Winston Salem*
Forsyth County
Raleigh consortium:
Raleigh City*
Johnson County
Lee County
Chatham County
Greensboro consortium:
Greensboro*
Guilford*
Durham consortium:
Durham City*
Orange County
Durham County
Alamance County
Balance of North Carolina

South Carolina

South Carolina consortium:
Charleston County*
Richland County*
Columbia County*
Greenville County*
Spartanburg County*
Anderson County*
Lexington County*
Balance of South Carolina

Tennessee

Chattanooga City
Hamilton County
Nashville/Davidson County
Sullivan County
Knoxville consortium:
Knox County
Knoxville City*
Memphis consortium:
Memphis City*
Shelby County
Balance of Tennessee

REGION V

Illinois

City of Chicago
Cook County
DuPage County
Kane County consortium:
Kane County*
Dekalb County
Lake County
Macon County
McHenry County
Rock Island County
Tazewell County
LaSalle County
Rockford consortium:
City of Rockford*
Winnebago County*
Boone County
Champaign consortium:
Champaign County*
Ford County
Piatt County
Iroquois County
Will-Grundy consortium:
Will County*
Grundy County
Sangamon-Cass consortium:
Sangamon County
Cass County
Madison County consortium:
Bond County
Madison County*
St. Clair County consortium:
St. Clair County*
Washington County
Perry County
Peoria consortium:
City of Peoria*
Peoria County
City of East St. Louis
Shawnee consortium for southernmost Illinois:
Union County
Johnson County
Alexander County
Pulaski County
Massac County
McLean County
Balance of Illinois

Indiana

City of Gary
City of Hammond
Lake County
Elkhart County
City of South Bend
St. Joseph County
Tippecanoe County
Madison County
Vigo County
City of Indianapolis
LaPorte County
Ft. Wayne Area consortium:
City of Fort Wayne*
Allen County
DeKalb County
Noble County
LaGrange County
Whitley County
Adams County
Southwestern Indiana manpower consortium:
City of Evansville*
Vanderburgh Coun
Posey County
Warrick County
Gibson County
Pike County
Dubois County
Spencer County
Perry County
Delaware-Blackford consortium:
Delaware County*
Blackford County
Balance of Indiana

Michigan

Wayne County
Detroit City
Dearborn City
Livonia City
Monroe County
Bay County
Saginaw County
Oakland County
St. Clair County
Calhoun County
Kalamazoo County
Berrien County
Ottawa County
Grand Rapids Area Manpower Planning Council:
Kent County*
Grand Rapids*
Allegan County
Ionia County
Montcalm County
Muskegon/Oceana consortium:
Muskegon County*
Oceana County
Genessee, Flint, Shiawasee-Lapeer manpower consortium:
Genessee County*
City of Flint*
Shiawasee County
Lapeer County
Lansing Tri-County regional manpower consortium:
Ingham County*
City of Lansing*
Clinton County
Eaton County
City of East Lansing*
City of Ann Arbor
Washtenaw County
Region II manpower consortium:
Jackson County*
Lenawee County
Hillsdale County
Macomb County
Warren City
Balance of Michigan

Minnesota

Duluth
Dakota County
City of Minneapolis
Hennepin County
Anoka, Carver, Scott, Washington consortium:
Anoka County*
Scott County
Carver County
Washington County
City of St. Paul
Ramsey County
Region III consortium:
St. Louis County*
Lake County
Cook County
Koochiching County
Itasca County
Carlton County
Aitkin County
Rural Minnesota CEP
Balance of Minnesota
Sterns County*

Ohio

Cincinnati City
Butler County
Clark County
Hamilton County
Licking/Delaware/Perry consortium
Licking County*
Delaware County
Perry County
Lorain County
Akron, Summit, Medina consortium
Akron City*
Summit City*
Medina County
Portage County
Canton, Stark, Wayne consortium:
Canton*
Stark County*
Wayne County
Cleveland area western reserve manpower consortium
City of Cleveland*
City of Parma*
Cuyahoga County*
Geauga County
Columbus/Franklin consortium:
Columbus City*
Franklin County*
Miami Valley manpower consortium:
City of Dayton*
Montgomery County*
Preble County
Greene County
Toledo area manpower consortium:
Toledo City*
Lucas County*
Wood County*
Northeast Ohio manpower consortium:
Youngstown City*
Mahoning County*
Trumbull County*
Columbiana*
Lake/Astabula consortium:
Lake County*
Astabula County*
Southwest Ohio manpower consortium:
Adams County
Brown County
Highland County
Warren County
Clermont County*
Allen County
Balance of Ohio
Richland-Morrow consortium:
Richland County*
Morrow County

Wisconsin

Outagamie County
Rock County
Milwaukee County (not a consortium):
Milwaukee City*
Milwaukee County*
Madison/Dane consortium:
Madison City*
Dane County*
WOW consortium:
Waukesha County*
Ozaukee County
Washington County
Winne-Fond consortium:
Winnebago County*
Fond du lac County
Tri-County CETA consortium:
Kenosha County*
Racine County*
Walworth County
Balance of Wisconsin
Brown County*
Sheboygan County*
Marathon County
Northwest Wisconsin CEP

REGION VI

Arkansas

Central Arkansas consortium:
Pulaski County*
Little Rock*
Saline County
Lonoke County
Faulkner County
Texarkana consortium:
Miller County
Little River County (also Bowie County, Texas)
Balance of Arkansas

Louisiana

Rapides Parish
Baton Rouge
Layfayette Parish
Calcasieu/Jefferson Davis consortium:
Calcasieu Parish*
Jefferson Davis Parish
Cameron Parish
Quachita Parish
New Orleans
Jefferson Parish
Shreveport City
Balance of Louisiana

New Mexico

Albuquerque consortium:
Albuquerque City*
Bernalillo County
Balance of New Mexico

Oklahoma

Comanche County
Oklahoma County
Oklahoma City consortium:

Oklahoma—Continued

- Oklahoma City*
- Logan County
- Canadian County
- Cleveland County
- Tulsa consortium:
  - Tulsa City*
  - Tulsa County
  - Osage County
  - Creek County
  - Balance of Oklahoma

Texas

- Dallas City
- Dallas County consortium:
  - Dallas County*
  - Irving*
  - Garland*
- El Paso consortium:
  - El Paso City*
  - El Paso County
- Fort Worth consortium:
  - Fort Worth City*
  - Arlington City*
  - Bedford City
  - Hurst City
  - White Settlement
  - Haltom City
- Tarrant County
- Galveston County
- Houston
- Harris County
- Central Texas manpower:
  - Bell County*
  - Coryell County
  - Hamilton County
  - Lampasas County
  - Milam County
  - Mills County
  - San Saba County
- Hidalgo County consortium:
  - Hidalgo County*
  - Wallacy County
- Alamo consortium:
  - San Antonio City*
  - Bexar County*
  - Atascosa County
  - Bandera County
  - Gillespie County
  - Kerr County
  - Kendall County
  - Comal County
  - Guadalupe County
  - Medina County
  - Frio County
  - Wilson County
  - Karnes County
- Region XI consortium:
  - McClennon County*
  - Bosque County
  - Falls County
  - Freestone County
  - Hill County
  - Limestone County
- Texas Panhandle manpower consortium:
  - Amarillo City*
  - Potter County
  - Randall County
  - Collingworth County
  - Wheeler County
  - Hemphill County
  - Lipscomb County
  - Carson County
  - Armstrong County
  - Swisher County
  - Hartley County
  - Oldham County
  - Deaf Smith County
  - Parmer County
  - Brisco County
  - Hall County
  - Roberts County
  - Gray County
  - Donley County
- Capital area manpower consortium:
  - Austin*
  - Travis County
  - Bastrop County
  - Burnet County
  - Fayette County
  - Hays County
  - Lee County
  - Caldwell County
  - Williamson County
- S.E. Texas comprehensive manpower consortium:
  - Beaumont City*
  - Jefferson County*
  - Hardin County
  - Orange County
  - Cameron County
- Coastal Bend manpower consortium:
  - Corpus Christi*
  - Nueces County
  - Bee County
  - Brooks County
  - Duval County
  - Jim Wells County
  - Kleburg County
  - Live Oak County
  - McMullen County
  - Refugio County
  - Sanpatricio County
  - Kennedy County
  - Arkansas County

West Central Texas consortium:

- Taylor County*
- Brown County
- Callahan County
- Coleman County
- Comanche County
- Eastland County
- Fisher County
- Haskell County
- Jones County
- Kent County
- Knox County
- Mitchell County
- Nolan County
- Runnels County
- Scurry County
- Shackelford County
- Stephens County
- Stonewall County
- Throckmorton County
- Lubbock City

North Texas State planning regional consortium:

- Wichita County*
- Archer County
- Baylor County
- Childress County
- Jack County
- Clay County
- Cottle County
- Foard County
- Hardeman County
- Montague County
- Wilbarger County
- Young County
- Webb County

Texarkana consortium:

- Bowie County (also Miller and Little River Counties, Ark.)

Gulf Coast area manpower:

- Brazoria County*
- Austin County
- Chambers County
- Colorado County
- St. Bend County
- Liberty County
- Matagorda
- County
- Montgomery County
- Walker County
- Waller County
- Wharton County
- Pasadena City
- Balance of Texas
- Smith County*

REGION VII

Iowa

Central Iowa Regional Association of Local Governments:

- Des Moines City*
- Balance of Polk County
- Warren County
- Boone County
- Story County
- Madison County
- Marion County
- Jasper County
- Dallas County
- Linn County manpower consortium:
  - Cedar Rapids City*
  - Balance of Linn County
- Blackhawk County
- Scott County
- Woodbury County
- Balance of State Iowa

Kansas

Kansas City consortium:

- Kansas City*
- Balance of Wyandotte County

Johnson/Leavenworth consortium:

- Johnson County*
- Leavenworth County

Topeka consortium:

- Topeka City*
- Shawnee County

Wichita City

Balance of Kansas

Missouri

St. Louis County

Springfield

St. Louis City

Jackson County

Jefferson/Franklin consortium:

- Jefferson County*
- Franklin County

Kansas City consortium:

- Kansas City*
- Cass County
- Platte County
- Ray County
- Clay County
- Independence
- St. Charles County
- Balance of State Missouri

Nebraska

Lincoln

Omaha consortium:

- Omaha*
- Douglas County
- Sarpy County
- Balance of Nebraska

REGION VIII

Colorado

Arapahoe County

Aurora (Part)*

Jefferson County (not a consortium):

- Jefferson County*
- Lakewood City*

Colorado Springs consortium:

- Colorado Springs*
- El Paso County*
- Denver City/County
- Adams County
- Aurora (Part)*
- Boulder County

Pueblo County (not a consortium):

- Larimer County
- Weld County
- Balance of Colorado

Montana

Balance of Montana

Butte Rural CEP

North Dakota

Balance of North Dakota

South Dakota

Balance of South Dakota

Wyoming

Balance of Wyoming

Utah

Statewide consortium:

- Salt Lake City*
- Salt Lake County*
- Utah County
- Weber County
- Davis County*
- Balance of State

REGION IX

Arizona

- Phoenix City
- Maricopa County
- Mesa City
- Tucson/Pima consortium:
  - Tucson City*
  - Balance of Pima County
  - Balance of Arizona

California

- Sunnyvale
- Humboldt County
- Berkeley
- Glendale
- Long Beach
- Los Angeles
- Oakland
- Pasadena
- San Francisco
- Torrance
- Butte County
- Contra Cost County
- Kern County
- Los Angeles County
- Marin County
- Merced County
- Monterey County
- San Luis Obispo County
- San Mateo County
- Santa Barbara County
- Santa Cruz County
- Solano County
- Sonoma County
- Stanislaus County
- Ventura County
- San Diego RETC:
  - San Diego City*
  - San Diego County*
- Orange County manpower:
  - Orange County*
  - Huntington Beach*
  - Anaheim*
  - Garden Grove*
- Santa Ana*
- Inland Manpower Association:
  - Riverside City*
  - Riverside County*
  - San Bernardino City*
  - San Bernardino County*
- Fresno City/County:
  - Fresno*
  - Fresno County*
- Tulare/Kings County consortium:
  - Tulare*
  - Kings County
- Sacramento/Yolo:
  - Sacramento*
  - Sacramento County*
  - Yolo County
- Stockton/San Joaquin manpower committee:
  - Stockton*
  - San Joaquin County*
- Santa Clara Valley:
  - San Jose*
  - Santa Clara County*
- County of Alameda:
  - Fremont*
  - Alameda County*
- Richmond
- Imperial County
- Balance of California

Hawaii

Honolulu City/County

Balance of Hawaii

Nevada

Las Vegas consortium:

- Las Vegas City*
- Clark County*
- Washoe County
- Balance of Nevada

American Samoa

Guam

Trust Territories

REGION X

Alaska

Anchorage Borough

Balance of Alaska

Idaho

Statewide consortium:	Ada County* Balance of Idaho

Oregon

Portland City Clackamas County Multnomah/Washington constorium: Washington County* Balance of Multnomah County* Lane County	M-Wilm. Valley Manpower consortium: Marion County* Yamhill County Polk County Balance of Oregon Jackson County consortium: Josephine County Jackson County*

Washington

King/Snohomish consortium: Seattle* Snohomish County* Balance of King County* Tacoma City Pierce City	Spokane consortium: Spokane City* Balance of Spokane County* Clark County Kitsap County Yakima County Balance of Washington

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

[FR Doc.76-24544 Filed 8-23-76;8:45 am]

Employment and Training Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Wednesday, September 8, from 9:00 a.m.-4:30 p.m.; Thursday, September 9, 1976, from 9:00 a.m.-12:00 noon in Room S-5215 (A-B-C), New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The agenda for the meeting on September 8 will include:

1. "THE SKY'S THE LIMIT"—(Employment and Training Administration's BAT Film on Women Apprentices).

2. Presentation on: "The Apprenticeship Outreach Program: A Summary Review".

3. Report of NASTAD (National Association of State and Territorial Apprenticeship Directors) Annual Meeting held May 1976, Milwaukee, Wisconsin.

4. Report of FCA Subcommittee on Federal-State Relations.

5. Changing Age and Educational Restrictions on Entry to Apprenticeship; Increasing Women's Participation in Apprenticeship.

The agenda for the meeting on September 9 will include:

1. Presentation on: "Awarding Post-Secondary Educational Credit for Apprenticeship Training".

2. Report of FCA Subcommittee on Goals of the Federal Committee on Apprenticeship.

3. Report of FCA Subcommittee on Equal Apprenticeship Opportunity.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D Street, N.W. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 18th day of August 1976.

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

[FR Doc.76-24783 Filed 8-23-76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Delaware

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Delaware effective August 22, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Delaware on February 22, 1976.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Delaware has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on July 31, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Delaware for the week ending on July 31, 1976, and that the Federal Supplemental Benefit Period in that State terminated on August 22, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Delaware Department of Labor of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Delaware should contact the nearest State Employment Office of the Delaware Department of Labor in their locality.

Signed at Washington, D.C., on August 19, 1976.

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

[FR Doc.76-24780 Filed 8-23-76;8:45 am]

Office of the Secretary

[TA-W-1,016]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 11, 1976 the Department of Labor received a petition dated August 3, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Leachville, Arkansas plant of Brown Group, Inc., St. Louis, Missouri (TA-W-1,016). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with infants and children's shoes produced by Brown 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 September 3, 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 September 3, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of August 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-24784 Filed 8-23-76;8:45 am]

[TA-W-1,015]

DETROIT AUTOMOTIVE PRODUCTS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 11, 1976 the Department of Labor received a petition dated July 22, 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 Detroit Automotive Products, Warren, Michigan, a division of ASPRO, Inc., Westport, Conn. (TA-W-1,015). Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with "No-Spin" differential and components produced by Detroit Automotive Products, 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 September 3, 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 September 3, 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, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of August 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-24785 Filed 8-23-76;8:45 am]

[TA-W-794]

NORVELT CLOTHING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-794: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 16, 1976 in response to a worker petition received on April 16, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing rainwear, carcoats, and jackets at Norvelt Clothing Company, Norvelt, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20045). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Norvelt Clothing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 11.1 percent from 1973 to 1974 and declined 34.1 percent from 1974 to 1975. Employment declined in each quarter of 1975 compared to the same quarter of 1974. Average hours worked increased 6.9 percent from 1973 to 1974 and then declined 35.4 percent from 1974 to 1975.

The average number of salaried workers declined 33.3 percent from 1973 to 1974 and declined 50.0 percent from 1974 to 1975. Salaried employment declined in each quarter of 1975 compared to the same quarter of 1974.

All employment at Norvelt was terminated in December 1975 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data for 1973 were available only for the fourth quarter. Total sales by Norvelt declined in value 14.2 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973. The value of sales declined 43.8 percent from 1974 to 1975. Sales declined in each quarter of 1975 when compared to the same quarter of 1974.

Production at Norvelt was identical to sales. In the fourth quarter of 1974, Norvelt produced men's raincoats and carcoats. Production was stopped in the first quarter of 1975, due to lack of orders. During the remainder of 1975, Norvelt produced men's carcoats and leisure suit jackets. All production ceased when the plant closed in December 1975.

INCREASED IMPORTS

Imports of men's and boys' outercoats and jackets increased absolutely and relative to domestic production in each year from 1971 through 1973, and then declined absolutely and relatively from 1973 to 1974. Absolute imports declined 6.1 percent from 1974 to 1975. Domestic production of men's and boys' outercoats and jackets declined 8.7 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 29.8 percent and 22.9 percent, respectively in 1974 to 30.6 percent and 23.4 percent in 1975.

Imports of men's and boys' suits increased absolutely and relative to domestic production in each year from 1971 through 1975. Absolute imports increased 26.9 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent respectively in 1974 to 17.2 percent and 14.6 percent, respectively, in 1975.

Imports of men's and boys' raincoats declined absolutely and relative to domestic production from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973. Imports declined absolutely and relatively from 1973 to 1974 and from 1974 to 1975. Domestic production of men's and boys' raincoats declined 5.0 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 11.5 percent and 10.4 percent, respectively, in 1974 to 8.1 percent and 7.5 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the manufacturer who contracted work with Norvelt in 1974 and 1975 decreased purchases of domestically made men's carcoats and leisure suits and increased purchases of imported men's carcoats and leisure suits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's carcoats and leisure suit jackets produced at the Norvelt, Pennsylvania plant of Norvelt Clothing Company contributed importantly to the total or partial separations of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's carcoats and leisure suit jackets at the Norvelt, Pennsylvania plant of Norvelt Clothing Company who became totally or partially separated from employment on or after April 6, 1975 and before December 31, 1975 are eligible for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became totally or partially separated on or after December 31, 1975 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 17th day of August 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-24786 Filed 8-23-76;8:45 am]

[TA-W-1,017]

OAK INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 11, 1976 the Department of Labor received a petition dated August 2, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Elkhorn, Wisconsin Division of Oak Industries, Inc., Crystal Lake, Illinois (TA-W-1,017). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the inspection and repairing of TV tuners and CATV units provided by Oak Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than than September 3, 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 September 3, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of August 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-24787 Filed 8-23-76;8:45 am]

Office of the Secretary

[TA-W-919]

PROGRESSIVE UNIFORM MANUFACTURING CORP., PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-919: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and women's uniforms, jeans, overalls, shorts, jackets, and women's dresses and skirts at the Progressive Uniform Mfg. Corp. in Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24797). No public hearing was requested and none was held.

The information upon which the determination was made was obtained prin-

cipally from officials of the Progressive Uniform Mfg. Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actually, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 10.5 percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Progressive Uniform Manufacturing Corporation decreased 38.9 percent in quantity in the first quarter of 1976 compared to the first quarter of 1975.

Sales at the Progressive Uniform Manufacturing Corporation decreased 17.4 percent in value in the first quarter of 1976 compared to the first quarter of 1975.

INCREASED IMPORTS

Imports of women's, misses', and children's woven slacks, jeans and shorts increased in 1972 compared to 1971, decreased in 1973 and 1974, then increased 18.5 percent in 1975 compared to 1974, and 64.4 percent in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production decreased each year from 1972 through 1974, then increased from 23.9 percent in 1974 to 24.8 percent in 1975.

Imports of men's and boys' woven cotton and man-made fiber trousers and shorts, excluding uniforms, increased in 1972 compared to 1971, decreased in 1973, then increased in 1974 through the first quarter of 1976. Imports increased 34.7 percent in 1975 compared to 1974, and 30.7 percent in the first quarter of 1976 compared to the like period of 1975. The ratio of imports to domestic production decreased in 1972 compared to 1971, then increased every year from 1973 through 1975. The ratio of imports to domestic production increased from 9.4 percent in 1974 to 14.8 percent in 1975.

Imports of women's, misses', juniors', girls', children's and infants' coats and jackets increased in 1972 and 1973, decreased in 1974, then increased 2.2 percent in 1975 compared to 1974, and 9.5 percent in the first quarter of 1976 compared to the like period of 1975. The ratio of imports to domestic production decreased each year from 1972 through 1975. The ratio of imports to domestic production decreased from 26.4 percent in 1974 to 21.3 percent in 1975.

Imports of men's and boys' cotton nontailored outer jackets increased in 1972 and 1973, decreased in 1974, then increased 14.6 percent in 1975 compared to 1974. The ratio of imports to domestic production increased in 1972 compared to 1971, decreased in 1973 and 1974, then increased from 14.8 percent in 1974 to 16.6 percent in 1975.

Imports of women's, misses', and juniors' woven skirts decreased in 1972 and 1973, then increased in 1974 through the first quarter of 1976. Imports increased 176 percent in 1975 compared to 1974, and 322 percent in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production decreased in 1972 and 1973, then increased in 1974 and 1975. The ratio of imports to domestic production increased from 4.7 percent in 1974 to 10.3 percent in 1975.

Imports of women's, misses', children's, and infants' knit and woven dresses decreased each year from 1972 through 1974, then increased 1.6 percent in 1975 compared to 1974, and decreased 9.3 percent in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production decreased in 1972 and 1973, then increased in 1974 and 1975. The ratio of imports to domestic production increased from 6.5 percent in 1974 to 7.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they have decreased their purchases of clothing from the Progressive Uniform Manufacturing Corporation relative to their purchases of imported clothing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imported men's and women's uniforms, jeans, overalls, shorts, jackets, and women's dresses and skirts contributed importantly to the total or partial separation of workers at the Progressive Uniform Manufacturing Corporation, Philadelphia, Pennsylvania. In accordance with the provisions of the Act, I make the following certification:

All workers at the Progressive Uniform Manufacturing Corporation, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after January 3, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of August 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.24605 Filed 8-23-76;8:45 am]

[TA-W-1,018]

UNIVERSAL COMMUNICATIONS SYSTEMS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 11, 1976 the Department of Labor received a petition dated August 3, 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 Universal Communications Systems, Inc., Roanoke, Virginia (TA-W-1,018). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with telephone systems and equipment produced by Universal Communications Systems, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, or 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 September 3, 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 September 3, 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, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of August 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-24788 Filed 8-23-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 126]

ASSIGNMENT OF HEARINGS

AUGUST 19, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 116474 (Sub 32), Leavitts Freight Service, Inc., Extension-Eugene, Oregon, MC 116474 (Sub 29), Leavitts Freight Service, Inc., Extension-Seven States, MC 116474 (Sub 24), Leavitts Freight Service, Inc., Extension-Lane County, Oregon, MC 135430, Leavitts Freight Service, Inc.-Conversion Application and MC 135430 (Sub 1), Leavitts Freight Service, Inc., Extension-Waste Paper (Springfield, Oregon) now assigned September 21, 1976 at Portland, Oregon is now cancelled and application dismissed.

MC 136828 (Sub-No. 7), Cox & Shay, Inc., now assigned October 13, 1976 at Birmingham, Alabama is canceled and the application is dismissed.

MC 82841 Sub 166, Hunt Transportation, Inc., now being assigned November 4, 1976 (2 days), at Albuquerque, N. Mexico, in a hearing room to be later designated.

MC-C 9014, Whitfield Transportation, Inc., V. O.N.C. Freight Systems, now being assigned November 4, 1976 (2 days), at Albuquerque, N. Mexico, in a hearing room to be later designated.

MC 133566 Sub 51, Gangloff & Downham Trucking Co., Inc., now being assigned November 16, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 113651 Sub 188 & Sub 189, Indiana Refrigerator Lines, Inc., now being assigned November 18, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 123255 Sub 62, B & L Motor Freight, Inc., now being assigned November 16, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 124951 (Sub 35), Wathen Transport, Inc. now being assigned September 20, 1976 (1 day) at Louisville, Kentucky and will be held in Room 273, Federal Building, 600 Federal Place.

MC 118959 (Sub 129), Jerry Lipps, Inc. now assigned September 21, 1976 at Louisville, Kentucky and will be held in Room 273, Federal Building, 600 Federal Place.

MC 111729 (Sub 557), Purolator Courier Corp. now assigned September 14, 1976 at Frankfort, Kentucky and will be held in the U.S. District Courtroom, 3rd Floor, John C. Watts Federal Building.

MC-F 12784, Smith's Transfer Corporation—Purchase—A & W Service, Inc. and MC 110683 (Sub 108), Smith's Transfer Corporation now assigned September 23, 1976 at Louisville, Kentucky and will be held in Room 273, Federal Building, 600 Federal Place.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24800 Filed 8-23-76;8:45 am]

[Second Revised Exemption No. 128; Rule 19, Ex Parte 241]

EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

To:

The Atchison, Topeka and Santa Fe Railroad Company.
Chicago & Eastern Illinois Railroad Company.
Chicago and North Western Transportation Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Chicago, Rock Island and Pacific Railroad Company.
Illinois Central Gulf Railroad Company.
Louisville and Nashville Railroad Company.
Missouri-Illinois Railroad Company.
Missouri Pacific Railroad Company.
St. Louis Southwestern Railway Company.
Seaboard Coast Line Railroad Company.
Southern Railway Company.
The Texas and Pacific Railway Company.

It appearing, That the thirteen railroads listed below have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing reporting marks, assigned to such carriers.

It further appearing that these thirteen railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other twelve roads as systems, with the Car Service Division of the AAR acting as agent.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register I.C.C.-R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b), while on the lines of any of the above named railroads.

The Atchison, Topeka and Santa Fe Railroad Company, Reporting Marks: ATSF.
Chicago & Eastern Illinois Railroad Company, Reporting Marks: CEI Effective July 15, 1976.
Chicago and North Western Transportation Company, Reporting Marks: CNW-CGW-CMO-FDDM-MSTL.
Chicago, Milwaukee, St, Paul and Pacific Railroad Company, Reporting Marks: MILW Effective July 15, 1976.
Chicago, Rock Island and Pacific Railroad Company, Reporting Marks: RI-ROCK.
Illinois Central Gulf Railroad Company, Reporting Marks: ICG-GM&O-IC.
[1] Louisville and Nashville Railroad Company, Reporting Marks: L&N-CIL-MON-NC Effective August 15, 1976.
Missouri-Illinois Railroad Company, Reporting Marks: MI Effective July 15, 1976.
Missouri Pacific Railroad Company, Reporting Marks: MP Effective July 15, 1976.
St. Louis Southwestern Railway Company Reporting Marks: SSW Effective July 15, 1976.
[1] Seaboard Coast Line Railroad Company Reporting Marks: SCL-ACL-C&WC-SAL Effective August 15, 1976.
Southern Railway Company, Reporting Marks: SOU-AEC-CG-GF-NS-SA Effective July 15, 1976.
The Texas and Pacific Railway Company, Reporting Marks: T&P Effective July 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project starting July 15, 1976, the Car Service Division to issue appropriate notification to Project participants, and to advise the undersigned.

Expires February 15, 1977.

Issued at Washington, D.C., August 11, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-24804 Filed 8-23-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43217—*Joint Water-Rail Container Rates—Far Eastern Shipping Company.* Filed by Far Eastern Shipping Company, (No. 5), for itself and interested rail carriers. Rates on general commodities, from ports in Republic of the Philippines, Singapore, Thailand and West Malaysia, to rail carriers terminals on the U.S. Atlantic and Gulf coasts.

Grounds for relief—Water competition.

FSA No. 43218—*Joint Water-Rail Container Rates—Pacific Far East Line, Inc.* Filed by Pacific Far East Line, Inc., (No.

[1] Effective date inserted.

8), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in The Federation of Malaysia and the Republic of Singapore.

Grounds for relief—Water competition.

FSA No. 43219—*Joint Water-Rail Container Rates—Knutsen Line.* Filed by Knutsen Line, (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in The Federation of Malaysia, Hong Kong, Japan, Korea, The Republic of Singapore and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission,

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24799 Filed 8-23-76;8:45 am]

[Notice No. 108]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and qouting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106089 (Sub-No. 13 TA), filed August 11, 1976. Applicant: JOHN G. LANE LINES, INC., 1017 North McDuff Ave., P.O. Box 6854, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, 1205 Universal Marion Bldg., 21 W. Church St., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (not refrigerated and not frozen) *and potato chips*, from Jacksonville, Fla., to points in Alabama (except Montgomery and points in Alabama located within an area bounded by U.S. Highway 80, on the north, U.S. Highway 31, on the west, the Alabama-Florida State Lines on the south, and the Alabama-Georgia State Line on the east, and from the points in the above-described territory to Jacksonville, Fla. (limited to stale bakery products on return movement), for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dixie Darling Bakers, Inc., 825 Barnett St., Jacksonville, Fla. 32209. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 109397 (Sub-No. 336 TA), filed August 11, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, from Lynchburg, Va., to Sargents, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Navy Nuclear Fuel Division, Babcock & Wilcox, Box 785, Lynchburg, Va. 24505. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 112288 (Sub-No. 12 TA), filed August 10, 1976. Applicant: YARBROUGH TRANSFER CO., 1500 Doune St., Winston-Salem, N.C. 27107. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, between points in North Carolina, on the one hand, and, on the other, points in South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Mart Office Bldg., Room CC516, Charlotte, N.C. 28205.

No. MC 114533 (Sub-No. 348 TA), filed August 9, 1976. Applicant: BANKERS DISPATCH CORP., 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Marion, Ind., on the one hand, and, on the other, Indianapolis, Ind., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: Fisher-Body-General Offices, GMC, J. R. Murphy, Director of Traffic, 30001 Vay Dyke, Traffic Activity, Room 162-11, Warren, Mich. 48090. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 115092 (Sub. No. 48 TA), filed August 11, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Escalante, Utah, to Chicago, Rockford, Peoria, Springfield, and Champaign, Ill.; Indianapolis and Fort Wayne, Ind.; Milwaukee, Madison, Green Bay and LaCrosse, Wis.; Minneapolis, Minn.; Des Moines and Davenport, Iowa; Omaha, Nebr., and all of their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teton West Lumber Co., P.O. Box 3656, Casper, Wyo. 82602. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 136848 (Sub-No. 10 TA), filed August 11, 1976. Applicant: JAMES BRUCE LEE AND STANLEY LEE, doing business as LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, Ill. 61768. Applicant's representative: Edward F. Stanula, 837 E. 162nd St., South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine parts, printed paper and printed inserts; and printing paper* (other than newsprint or carbonized) not printed or imprinted in rolls and sheets, from Pontiac Ill., to Milwaukee, New Berlin and Waukesha, Wis.; New York, N.Y.; Fairview, Vineland and Trenton, N.J.; Bridgeport, New Britain, North Haven and Bristol, Conn.; Indianapolis, Ind.; Des Moines, Meridith and Mt. Pleasant, Iowa; Danton, Ohio; Waseco, Minn.; Hialeah, Fla., Lavonia, Mich.; Effingham, Chicago, Bloomington, Carbondale and Centralia, Ill.; and from Bristol, Conn., to Pontiac, Crystal Lake, Effingham, Bloomington and Chicago, Ill.; Greenville, Ind.; and Printing paper, (other than newsprint or carbonized) not printed or imprinted, in rolls or sheets, between our plant and warehouse facilities at or near Pontiac,

Ill., on the one hand, and our plants and warehouse facilities at or near Bristol and New Haven, Conn., on the other, for 180 days. Supporting shipper: City National Printing Co., Merle Shoop, Superintendent, 1600 N. Main St., Pontiac, Ill. 61764. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 138177 (Sub-No. 5 TA), filed August 11, 1976. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Road, Memphis, Tenn. 38138. Applicant's representative: John Paul Jones, 189 Jefferson Ave., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles; (1) from the facilities of St. Bernard Coal Co., and C.O.R.D. Mining Company near Morgantown, Ky., and from the facilties of Alley-Cassity Coal Co., Inc., and St. Bernard Coal Co., near Nashville, Tenn., to the plantsite of Arkansas Lightweight Aggregate Corp., near West Memphis, Ark.; and (2) which has an immediate prior movement by water, from the site of a terminal at President's Island, Memphis, Tenn., to the plantsite of Arkansas Lightweight Aggregate Corp., near West Memphis, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Lightweight Aggregate Corp., P.O. Box 1567, West Memphis, Ark. 72301. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 2006, 100 North Main St., Memphis, Tenn. 38103.

No. MC 140443 (Sub-No. 2 TA), filed August 12, 1976. Applicant: CENTRAL DELIVERY SERVICE OF WASHINGTON, INC., 1101 Ripley St., Silver Spring, Md. 20910. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks and related bank papers*, (1) from the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., to points in the District of Columbia; points in Arlington, Fairfax, Loudoun and Prince William Counties, Va., and the cities of Alexandria, Fairfax and Falls Church, Va., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties, W. Va.; (2) from the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., to the Friendship International Airport, near Baltimore, Md., restricted to the transportation of shipments having a subsequent movement by air, and (3) from Cumberland, Md., to points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties, W. Va., restricted to the transportation of shipments having a prior movement by air, and (4) from points in Arlington, Fairfax, Loudoun and Prince William Counties, Va., and the cities of Alexandria, Fairfax and Falls Church, Va., and the District of Columbia, to the Baltimore Branch, Federal Reserve Bank of Richmond, Baltimore, Md., under a continuing contract with Baltimore Branch, Federal Reserve Bank of Richmond, for 180 days. Supporting shipper: Baltimore Branch, Federal Reserve Bank of Richmond, 7210 Ambassador Road, Baltimore, Md. 21207. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142004 (Sub-No. 1 TA), filed August 9, 1976. Applicant: JAMES M. BATES, doing business as BATES TRUCKING, Box 323, Tolono, Ill. 61880. Applicant's representative: Robert W. Dodd, 201 Springfield, Suite 206, Champaign, Ill. 61820. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except dry cement), between points in Montgomery, Fountain, Warren, Tippicanoe, Marion, Hendricks, Boone, Vigo Parke, Vermillion and Putnam Counties Ind.; points in Vermillion, Champaign and Edgar Counties, Ill., under a continuing contract with The Wiskes Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Wiskes Corporation, D. A. Kloes, Manager, Traffic & Consolidation, 515 N. Washington Ave., Saginaw, Mich. 48607. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142264 (Sub-No. 1 TA), filed August 11, 1976. Applicant: RAYMOND E. PATTERSON, doing business as RAY PATTERSON MOTORS, 389 East Main, Greenwood, Ind. 46142. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, between points in Illinois, Indiana, Kentucky, Ohio, Michigan and Tennessee, for 180 days. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Federal and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142337 TA, filed August 10, 1976. Applicant: CAN-FAST EXPRESS LTD., 54 Transwell Ave., Toronto, Ontario, Canada. Applicant's representative: Morton Finkelstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, material, supplies, and such merchandise* required for the manufacturing and/or installations produced or distributed by Honeywell, Ltd., Canada, between Ports of Entry on the United States-Canadian International Boundary in New York, Michigan and Vermont, on the one hand, and, on the other, Boston, Lawrence, Framingham, Waltham, Mass.; Philadelphia and Leechburg, Pa.; Cleveland and Akron, Ohio; Chicago, Freeport and Arlington Heights, Ill.; Detroit, Mich., restricted to service for Honeywell Limited Canada, and further restricted to transportation by air ride trailers, under a continuing contract with Honeywell Limited. Applicant intends to tack, for 180 days. Supporting shipper: Honeywell Limited, 740 Ellesmere Road, Scarborough, Ontario, Canada MIP 2V9. Send protests to: George M. Parker, District Supervisor, Room 910, 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 142342 TA, filed August 12, 1976. Applicant: AGGREGATE TRANSPORT, INC., P.O. Drawer D, Albany, Ga. 31702. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Atlanta, Eden and Thomasville, Ga., to Anniston, Birmingham and Motts, Ala.; points in Colbert and Marshall Counties, Ala.; Jacksonville, Panama City, Pensacola, Port St. Joe and West Palm Beach, Fla.; Corbin, Ky.; points in Marshall and Nuhlenberg Counties, Ky.; Pascagoula, Miss.; Charleston and Copper Hill, Tenn.; and points in Anderson, Hamblen, Hardin, Jefferson, Loudon, Polk, Rhea and Warren Counties, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dawes Mining Company, Inc., 2480 Windy Hill Road, Marietta, Ga. 30062. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 142343 TA, filed August 10, 1976. Applicant: JOSEPH MACRI, doing business as J & M TRUCKING, 8237 West Mexico, Lakewood, Colo. 80226. Applicant's representative: Joseph Macri (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Offal and inedible meat and meat by-products*, in shipper owned trailers, from Torrington and Riverton, Wyo., to Denver, Colo., under a continuing contract with Denver Recycling Company, for 180 days. Supporting Shipper: Denver Recycling Company, 5350 N. Washington St., Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 142344 TA, filed August 11, 1976. Applicant: PLANTATION WOOD PRODUCTS, INC., 1800 Oakhaven Drive, Albany, Ga. 31702. Applicant's representative: Robert L. Arnold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry grit*, from the plant and warehouse facility of Blackledge Stone Company in Randolph County, Ga., to points in Alabama north of Interstate 20 and points in Tennessee east of Highway 231, for 180 days. Supporting shipper: Blackledge Stone Company, Route 3, Box 489 B, Leesburg, Ga. 31763. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 142345 TA, filed August 11, 1976. Applicant: A–1 PROFESSIONAL PACK & LOAD, INC., 2027 SE 90th Place, Portland, Oreg. 97216. Applicant's representative: Nancy C. Fink (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, restricted to shipments packed and loaded by A–1 Professional Pack and Load, Inc., and further restricted to shipments transported in shipper-leased vehicles, between points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Wisconsin and Wyoming, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

PASSENGER APPLICATION

No. MC 142325 (Sub-No. 1 TA), filed August 9, 1976. Applicant: ALEXANDER JAMES AND JAMES E. SYKES, JR., doing business as ALJAMCO LEISURE, 36 N. Edgewood St., Philadelphia, Pa. 19139. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with the passengers, in special operations, between Philadelphia, Pa., on the one hand, and, on the other, points on the Delaware Bay and Atlantic Coast of New Jersey, from Penngrove, Gloucester County, to Sandy Hook, Monmouth County, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Guardian Civic League, Inc., 5406 Pine St., Philadelphia, Pa. 19143. First Masonic District, Prince Hall Grand Lodge, 4301 N. Broad St., Philadelphia, Pa. 19140. Lancaster Avenue Business Assoc., 4145 Lancaster Ave., Philadelphia, Pa. Optimists Int'l, 8246 W. Chester Pike, Upper Darby, Pa. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24798 Filed 8-23-76;8:45 am]

[Notice No. 17]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76700. By application filed August 13, 1976, ASSOCIATED BOAT TRANSPORT, INC., 10008 126th NE., Kirkland, WA 98033, seeks temporary authority to transfer a portion of the operating rights of ASSOCIATED TRANSFER & STORAGE CO., INC., 730 N. Northlake Way, Seattle, WA 98103, under section 210a(b). The transfer to ASSOCIATED BOAT TRANSPORT, INC., of the operating rights of ASSOCIATED TRANSFER & STORAGE CO., INC., is presently pending.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24802 Filed 8-23-76;8:45 am]

[I.C.C. Order No. 173 Under Revised Service Order No. 994]

REROUTING TRAFFIC

To all Railroads. In the opinion of Lewis R. Teeple, Agent, the Green Mountain Railroad Corporation is unable to transport traffic over its line because of track damage from flooding.

It is ordered, That, (a) The Green Mountain Railroad Corporation, being unable to transport traffic over its line because of track damage from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 4:30 p.m., August 10, 1976.

(g) Expiration date. This order shall expire at 11:59 p.m., September 10, 1976, unless otherwise modified changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 10, 1976.

INTERSTATE COMMERCE COMMISSION
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-24801 Filed 8-23-76;8:45 am]

federal register

TUESDAY, AUGUST 24, 1976



PART II:

FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Guidelines on Conflict of Interest and Solicitations of Proxy

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 76-588]

SAVING AND LOAN ASSOCIATIONS

Director Guidelines and Certain Prohibitions and Disclosure

SUMMARY

AUGUST 18, 1976.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. NEW INSURANCE REGULATIONS §§ 561.29, 561.30, 561.31, 561.32, 561.33, 561.34, 561.35, 561.36, AND 561.37: DEFINITIONS—

A. *Affiliated person.* An affiliated person of an insured institution is:

1. A director, officer or controlling person of such institution;

2. The spouse of any person in (1); and

3. A member of the immediate family of any person in (1) who has the same home as such person, or who is a director, officer, or controlling person of any subsidiary or of any holding company affiliate of such institution;

4. Any corporation or organization (other than the insured institution or a corporation or organization through which the insured institution operates) of which any person in (1) is an officer or partner or is, directly or indirectly, either alone or with his spouse, the owner of 10 percent or more of any class of equity securities or the owner with other persons in (1) and their spouses of 25 percent or more of any class of equity securities; and

5. Any trust or other estate in which a person in (1) or the spouse of any such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

B. *Immediate family.* A person's immediate family means:

1. Such person's spouse, father, mother, children, brothers, sisters, and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

C. *Director.* The term "director" means any director, trustee or other person performing similar functions, but does not include advisory, honorary, or emeritus directors, unless the person is performing functions similar to those of a director.

D. *Officer.* The term "officer" means the president, any vice-president, the secretary, the treasurer, the comptroller, and any other person performing similar functions. The term also includes the chairman of the board if he is involved in operating management.

E. *Financial institution.* The term "financial institution" means any savings and loan association, savings bank, commercial bank, or similar institution, but does not include a Federal Home Loan Bank or the Bank for Savings and Loan Associations, Chicago, Illinois.

F. *Holding company affiliate.* The term "holding company affiliate" of an insured institution means a savings and loan holding company of which the insured institution is a subsidiary and any other subsidiary thereof, other than a subsidiary of the institution. With respect to a bank, the term means a bank holding company of which the bank is a subsidiary and any other subsidiary thereof.

G. *Principal supervisory agent.* The "principal supervisory agent" of the Corporation means the President of the FHLBank of the district in which the principal office of the insured institution is located.

H. *Parent company and subsidiary.* These terms are defined in §§ 583.10 and 583.14 of the Holding Company Regulations.

I. *Audit period.* The "audit period" of an insured institution means the 12-month period covered by the annual audit conducted to satisfy § 563.17-1.

II. REVISED INSURANCE REGULATION § 561.28

The term "controlling person" of an insured institution means any person or entity which, either directly or indirectly, or acting in concert with others, owns, controls or holds with power to vote, or holds proxies representing, ten percent or more of the voting shares of such institution. However, a director of an insured institution will not be deemed a controlling person thereof because he votes proxies of the owners of such institution, if such proxies were: (a) Obtained in connection with an annual proxy solicitation, or (b) obtained from savings accountholders if such proxies are voted in accordance with a majority vote of the institution's entire board of directors, or by a committee of such directors.

III. REVISED INSURANCE REGULATION § 563.17: MANAGEMENT AND FINANCIAL POLICIES

Previously required compensation to officers, directors, and employees of insured institutions and their service corporations to not be in excess of that which is reasonable and commensurate with their duties and responsibilities. Revised to make clear that the term "employees" includes former officers, directors, and employees who regularly perform services for the institution or service corporation pursuant to consulting contracts.

IV. NEW INSURANCE REGULATION § 563.33: DIRECTORS, OFFICERS AND EMPLOYEES

A. Sets forth recommended guidelines concerning composition of boards of directors of insured institutions. Such guidelines will be used in the future as conditions of insurance for newly insured institutions and apply for five years. Limitations concerning directors or officers contained in existing conditions of insurance are eliminated as to all insured institutions agreeing to follow the guidelines. The guidelines are as follows:

1. A majority to live or work in institution's normal lending territory;

2. Not more than ⅓ to be salaried officers or employees of institution or any subsidiary or holding company affiliate thereof;

3. Not more than 2 to be members of same immediate family;

4. Not more than 1 to be attorney with same law firm; and

5. a. None to be directors of another financial institution or holding company affiliate thereof other than a commercial bank or trust company; and

b. Not more than ⅓ to be directors of a commercial bank, trust company, or holding company affiliate thereof; and

c. Not more than 1 to be director of same commercial bank, trust company, or holding company affiliate thereof; and

d. None to be salaried officers or employees of other financial institutions or holding company affiliates thereof.

e. Exception from all guidelines in (5) for directors, officers, and employees of other financial institutions and their holding company affiliates if part of the same S&L holding company as the insured institution, or if neither the financial institution nor any financial institution which is a holding company affiliate thereof has an office in any county or standard metropolitan statistical area in which the insured institution has an office, or within any county or SMSA from which such insured institution receives either more than $5,000,000 in savings or 5 percent of its savings accounts.

B. Precludes salaried officers of insured institutions from becoming, and after 1978 annual meeting from continuing to serve as, salaried officers or employees of other financial institutions or holding company affiliates thereof. All exceptions in (A)(5)(e) are applicable to this prohibition.

C. Prohibits use of employees of insured institution or its subsidiaries to do work during the hours of their employment by the institution or subsidiary for any affiliated person without compensation to the institution or subsidiary.

V. REVISED INSURANCE REGULATION § 563.34: DEPOSIT RELATIONSHIPS

Revised regulation prohibits an insured institution or subsidiary thereof from having a deposit relationship with an affiliated person of the institution, or with any financial institution or holding company affiliate thereof of which an affiliated person of the institution is a director, if maintenance of such deposit relationship has been specifically disapproved by the Principal Supervisory Agent. Also prohibits a new deposit relationship of this type (including a new interlock involving an existing deposit relationship) without the approval of the Principal Supervisory Agent. Factors to be considered by the Principal Supervisory Agent are set forth.

VI. REVISED INSURANCE REGULATION § 563.35: RESTRICTIONS INVOLVING LOAN SERVICES

A. No insured institution or subsidiary thereof may make a loan on condition that the borrower contract with any specific person or organization for the following:

1. Insurance services (as an agent, broker, or underwriter), except insurance or guarantee provided by a government agency or private mortgage insurance;

2. Building materials or construction services;

3. Legal services rendered to the borrower;

4. Services of a real estate agent or broker; or

5. Real estate or property management services.

B. An insured institution or subsidiary thereof must notify home borrowers (home defined in § 541.10–2 as 1–4 family dwelling) at or prior to commitment of their right to select the person or organization rendering insurance services. However, an institution or subsidiary could refuse to make a loan if it believed on reasonable grounds that insurance services provided by the person or organization selected by borrower would afford it insufficient protection.

C. An insured institution or subsidiary thereof may require home borrowers to reimburse it for legal services rendered to it by its attorney, or to directly pay for such services, only if the fee:

1. is limited to legal services attributable to such loan;

2. if in excess of $100, is supported by a statement prepared by or on behalf of the attorney (a) describing the legal services performed, (b) setting forth the time spent and the hourly rate or other basis for determining the fee, (c) stating that such legal services are performed for the institution and not for the borrower, and (d) stating that such services are paid for by the borrower;

3. is reasonable and commensurate with the legal services performed; and

4. is separately itemized on the loan settlement sheet and identified as a fee to the lender's attorney.

VII. NEW INSURANCE REGULATION § 563.40: PAYMENT OF FEES TO AFFILIATED PERSONS

A. Prohibits affiliated persons of an insured institution from receiving, directly or indirectly, loan procurement fees from the institution, any subsidiary thereof, or any other source.

B. Applies the kickback and unearned fee prohibitions in sec. 8 of the Real Estate Settlement Procedures Act of 1974 (RESPA) to all loans by insured institutions and their subsidiaries secured by real property, whether or not covered by RESPA. (RESPA generally covers only 1–4 family loans.)

VIII. NEW INSURANCE REGULATION § 563.41: RESTRICTIONS ON REAL PROPERTY TRANSACTIONS WITH AFFILIATED PERSONS

A. Prohibits insured institutions and their subsidiaries from purchasing from, jointly owning with, selling to, or leasing from an affiliated person of such institution any interest in real property.

B. Exceptions for:

1. Joint ownerships in existence on effective date;

2. Purchases from affiliated persons of their interests in real property jointly owned on effective date;

3. Sales to affiliated persons of interest of institution or subsidiary in real property jointly owned on effective date;

4. Lease of real property on which the institution or subsidiary maintains an office or has applied to maintain an office existing on effective date;

5. Renewal of any lease in (4);

6. Purchase of real property being leased by the institution under (4) or (5); and

7. Lease (including renewals) of real property on which the institution or subsidiary will maintain an office, if the space being leased is not more than 15 percent of the total space available for lease in the office building or shopping center.

C. Exceptions (2), (3), (5), (6) and (7) are subject to the following conditions:

1. Transaction must be approved in advance by Principal Supervisory Agent;

2. Terms of the transaction must be fair to, and in best interests of, institution or subsidiary;

3. Price must be supported by independent appraisal not prepared by affiliated person of institution; and

4. Transaction must be approved in advance by a disinterested majority of the board of directors of the institution or subsidiary, with full disclosure of the terms of such transaction; information to be included in disclosure is set forth.

IX. NEW INSURANCE REGULATION § 563.43: RESTRICTIONS ON LOANS AND OTHER INVESTMENTS INVOLVING AFFILIATED PERSONS

A. Prohibits insured institutions and their subsidiaries from engaging in loan and other transactions with affiliated persons. Exceptions for loans in the ordinary course of business, not involving more than normal risk of collectibility or any other unfavorable features, which are of the following types:

1. Loans secured by a single-family dwelling owned and occupied as the borrower's principal residence;

2. Loans aggregating not more than $10,000 for constructing, adding to, improving, altering, repairing, equipping, or furnishing a single-family dwelling owned and occupied as the borrower's principal residence;

3. Loans secured by a mobile home owned and occupied as the borrower's principal residence;

4. Loans secured by savings accounts maintained by the affiliated person at the institution;

5. Loans aggregating not more than $10,000 for payment of educational expenses; and

6. Consumer loans aggregating not more than $10,000, including loans under (2).

Loans excepted under (1), (2), (3), (5) and (6) must be approved in advance by a disinterested majority of the board of directors of the institution or subsidiary, following full disclosure of the loan terms; information to be included in disclosure is set forth.

B. Prohibits insured institutions and their subsidiaries from engaging in the following types of transactions with third persons:

1. Making to or purchasing from third persons loans secured by property acquired directly from an affiliated person; exception for loans purchased through secondary market, such as FHLMC, and for loans on property which was principal residence of affiliated person prior to its sale;

2. Making or purchasing loans secured by property in which an affiliated person has a security interest;

3. Accepting securities of an affiliated person as loan collateral;

4. Maintaining compensating balances with respect to a loan by a third party to an affiliated person; and

5. Guarantees or take-out commitments with respect to a loan by a third party to an affiliated person.

X. NEW INSURANCE REGULATION § 563.45: DISCLOSURE

A. *Annual reports.* Requires an insured institution to send either an annual report, or notice of meeting stating that such report is available upon request, to members having 2 or more votes at least 20 days (30 days in the case of the notice) before each annual meeting, beginning with annual meeting in 1978. Disclosure in annual report not a defense to supervisory action.

B. *Exceptions.* Exceptions for institutions with assets under $15,000,000 or which are subject to the proxy solicitation requirements of the Securities & Exchange Act of 1934. However, institutions under $15,000,000 in assets still must file annual reports with the Corporation for any year as to which certain conditions are not met, and may be required (on an individual basis) to make their reports available under certain circumstances to persons having at least 2 votes. Also an exception for any institution:

1. Having a board of directors in accordance with the guidelines in § 563.33 (a),

2. Whose affiliated persons have not engaged in material transactions with the institution or any subsidiary thereof since the beginning of the institution's last audit period, and

3. If proxies solicited by such institution from savings accountholders and borrowers in connection with election of directors (other than in connection with an annual proxy solicitation) are voted as directed by a majority vote of its board of directors, or by a committee of such directors.

C. *Content of annual reports.* Annual reports must contain information concerning:

1. Directors and nominees for directorship, including names, ages, immediate family relationships with others in the

institution's management, and principal occupations;

2. Similar information as to officers;

3. The voting rights of each class of persons having such rights;

4. Proxies, including the method by which management solicits proxies for election of directors, the names and positions of persons holding these proxies, and whether they are revocable;

5. Changes in controlling persons of the institution;

6. Direct remuneration of management, with total for officers and directors as a group and individual remuneration (if in excess of $40,000) for three highest paid officers and each director;

7. Annuities, pensions, and retirement benefits;

8. Loans to affiliated persons, except for loans permitted under § 563.43 (b) which are on comparable third party terms (including interest rates and collateral), with disclosure for loans at below market interest rates to officers as a group but not individually;

9. Transactions with the institution or subsidiary thereof in which affiliated persons have a material ($40,000 in the aggregate) interest, including (a) loan transactions in which such a person is acting as attorney or appraiser for the institution or subsidiary (and is not a full time salaried officer or employee thereof), builder, escrow agent, or real estate agent/broker, (b) loan transactions in connection with which such a person acts as an insurance agent/broker or underwriter, supplier of title examination or abstract services, or supplier of building materials if such person was selected by or on the basis of a referral from the institution or subsidiary, and (c) loan transactions in connection with which an affiliated person acts as a building materials supplier if the institution or subsidiary thereof knows that such person is acting in such capacity;

10. Options to purchase securities;

11. Transactions between affiliated persons and pension and other similar plans of the institution or any parent company or subsidiary thereof;

12. The business done by such institution, in brief terms; and

13. Financial statements for the institution's last two audit periods.

D. *Financial statements.* Financial statements must include statements of financial condition, income, retained earnings, and changes in financial position. They must be audited and accompanied by the accountant's report. If audited statements are not within 120 days of annual meeting, updated unaudited statements also required.

E. *Filing.* Annual report and notice of meeting to be publicly filed with Board concurrently with mailing, unless Board determines previous material to be materially deficient, in which case prior filing and authorization to use material required before mailing.

By Resolution No. 75-863, dated September 15, 1975, the Federal Home Loan Bank Board proposed to amend Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563) and Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to regulate conflicts of interest more effectively and to ensure independence of boards of directors. The proposal sought to accomplish the first objective by restricting various types of conflict of interest practices which the Board believes are unsafe and unsound or inconsistent with economical home financing. It sought to accomplish the second objective by prescribing a number of requirements concerning composition of insured institution boards of directors.

These proposed amendments were published in the FEDERAL REGISTER on September 23, 1975 (40 FR 43832–47), for public comment until November 10, 1975. This 45-day comment period followed extensive public comment in connection with the Board's preceding proposal in these areas (Board Resolution No. 74–1219; November 22, 1974; 39 FR 42382–91) which had a comment period from December 5, 1974 through February 20, 1975. In furtherance of its objectives in proposing amendments in these areas, the Board considers it desirable to adopt final amendments as described below. In conjunction with these amendments, the Board also considers it desirable to propose amendments concerning solicitation of proxies by insured institutions (Board Resolution No. 76–589; August 18, 1976).

The amendments to Parts 561 and 563 (12 CFR Parts 561 and 563) adopted by this resolution add fourteen new sections thereto and revise four existing sections thereof. The amendments to Part 545 (12 CFR Part 545) revise nine sections thereof by revoking certain provisions in these sections to the extent that such provisions are rendered inconsistent or redundant by the amendments to Parts 561 and 563. These conforming amendments to Part 545 are necessary because Federal savings and loan associations are presently circumscribed in their ability to engage in some of the practices to which the amendments to Parts 561 and 563 apply different restrictions with respect to all insured institutions. Because these amendments to Part 545 are conforming in nature and all but two were discussed in considerable detail in the preambles of both proposals, (see 40 FR 43833–43 and 39 FR 4283–88), the discussion in this resolution of the amendments to Part 545 is somewhat abbreviated. The two Federal regulation amendments which were not discussed in the proposal—amendments to §§ 545.23 and 545.6–18—are dicsussed in this preamble.

This resolution does not adopt proposed § 563.42, captioned Independent office facilities, because the Board has concluded that the problem addressed by this provision is adequately dealt with by the existing requirement of independent facilities in its agreements with insured institutions, e.g., standard Conditions of Insurance and Agreement for Operating Policies. The Board notes that nonadoption of proposed § 563.42 is not intended to abrogate any such existing requirement. It is, however, the Board's intention to consider as a separate matter whether it should in the future impose this condition selectively, based on whether a proposed nonindependent facility would or would not be appropriate to the operations of an insured institution, e.g., whether a particular proposed shared facility could be misleading to the public or otherwise inappropriate, and whether it should modify its existing agreements with insured institutions on this matter.

The Board also notes that its decision not to adopt a regulation requiring ground-floor quarters reflects its determination that no such requirement is necessary (See 40 F.R. 43834). It is therefore the Board's intention that, unlike the matter of independent quarters, nonadoption of the ground-floor quarters requirement abrogates this requirement in all its existing agreements with insured institutions.

To facilitate understanding of this complex set of amendments, each new or revised Insurance Regulation will be explained separately. As an additional aid to the reader, related amendments are discussed together under the following four headings: (I) Composition of Boards of Directors and Disclosure; (II) Deposit Relationships; (III) Restrictions Concerning Loan Services; and (IV) Restrictions Concerning Affiliated Persons.

COMPOSITION OF BOARDS OF DIRECTORS AND DISCLOSURE

A. New § 563.33: *Directors, officers and employees.* Section 563.33(a) sets forth guidelines concerning the composition of insured institution boards of directors—in place of the requirements in this area which were contained in the proposal. The Board believes these guidelines—which are generally less stringent than the proposed requirements—together with the revisions of proposed new § 563.45, captioned disclosure, will increase the independence of boards of directors of insured institutions. No insured institution which agrees in writing with the Corporation to comply with all of the guidelines need continue to comply with any present condition of insurance or provision of its agreement for operating policies concerning board composition. However, the Board plans to revise its standard conditions of insurance and agreement for operating policies so as to require institutions which become Federally-chartered or insured after the effective date of § 563.33 to comply with the guidelines for a five-year period.

Before turning to the guidelines themselves, three definitions should be particularly noted. Besides being used in the guidelines, they are used throughout the other amendments adopted by this resolution.

The term "financial institution" was defined in the proposal to mean any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank, or trust company—but not a Federal Home Loan Bank. This term has the same meaning as in the proposal, except that the Bank for Sav-

ings and Loan Associations in Chicago, Illinois, is also excluded.

The term "holding company affiliate" is new, and replaces the less explicit term "affiliate." A "holding company affiliate" of an insured institution is a savings and loan holding company of which such institution is a subsidiary (as defined in § 583.14) and any other subsidiary of such holding company other than a subsidiary of the insured institution (e.g. a service corporation). A "holding company affiliate" of a bank is a bank holding company of which the bank is a subsidiary and any other subsidiary of such holding company. The coverage of the term "holding company affiliate" and of the proposed term "affiliate" is essentially the same.

The term "subsidiary" has the same meaning as in § 584.14 of the Holding Company Regulations (12 CFR Part 584.14)—viz., an entity which is at least 25 percent controlled. This term replaces the less general term "service corporation affiliate," which was defined in terms of at least 50 percent control. This percentage test has been changed because the Board believes 25 percent ownership generally involves sufficient control to warrant characterization of the entity so owned as a subsidiary. In this connection, it should be noted that the new term "parent company" (which is used in many of the amendments adopted by this Resolution, but not in the guidelines on board composition) has the same definition as in § 584.10 of the Holding Company Regulations (12 CFR Part 584.10)—viz, a company which has at least 25 percent control of another company.

The guidelines adopted by this resolution address the same five areas as did the proposed requirements. First, § 563.33 (a)(1) suggests that a majority of the directors of an insured institution either live or work in the institution's normal lending territory. This guideline is identical to the corresponding restriction in the proposal.

Second, § 563.33(a)(2) suggests that not more than one-third of the directors of an insured institution be salaried officers or employees of the institution or of any affiliated person thereof. This guideline differs from the corresponding restriction in the proposal in that the proposal would have limited officer/employee service on a board (whether or not salaried as officers or employees) to the lesser of two or one-third, with a limited exception in connection with mergers. The Board believes that the "one-third" guideline will prove more flexible than the proposed restriction.

Third, § 563.33(a)(3) suggests that the board of an insured institution not have more than two directors who are members of the same immediate family. (The definition of the term "immediate family" is discussed in Part IV of this preamble, and is unchanged from the proposal.) This guideline is less restrictive than the corresponding provision in the proposal—which would have limited membership from one immediate family on a board to the lesser of two or one-third of the directors on such board.

Fourth, § 563.33(a)(4) suggests that an insured institution not have more than one director who is an attorney with any one law firm. This guideline is identical to the corresponding restriction in the proposal.

Fifth, § 563.33(a)(5)(i) suggests that no directors of an insured institution be directors of other financial institutions or their holding company affiliates, other than a commercial bank or trust company. Section 563.33(a)(5)(ii) suggests that not more than one-third of the directors of an insured institution be directors of commercial banks, trust companies, or holding company affiliates thereof. This guideline differs from the corresponding restriction in the proposal in that the proposal would have limited service by directors of all other financial institutions and their affiliates to the lesser of two or one-third of an insured institution's board, with an exception for full-time salaried officers and employees of such insured institution. The guideline differs only slightly from the provision on this matter in the Board's standard conditions of insurance for newly insured institutions which presently requires that less than one-third of an insured institution's directorate be also directors of banks and that none be directors of any other savings and loan type institution, including mutual savings banks. Although the Board has decided that no further change is presently required from the policy on this matter reflected in the standard conditions, it may reconsider this decision in the future if such reconsideration appears necessary or appropriate.

Section 563.33(a)(5)(iii) suggests that not more than one director of an insured institution be a director of the same commercial bank, trust company, or holding company affiliate thereof. This guideline is the same as the corresponding restriction in the proposal, except that it does not apply to savings and loan type institutions because the guidelines suggest that there be no interlocks with such institutions, as discussed above.

Section 533.33(a)(5)(iv) suggests that no directors of an insured institution be salaried officers or employees of other financial institutions or their holding company affiliates. This guideline is identical to the corresponding restriction in the proposal, except that it only pertains to "salaried" officers and employees of other financial institutions and their holding company affiliates. As with the instances in § 563.33 where references to officers or employees have been changed to "salaried" officers or employees, this change is based on the premise that a person serving in two potentially conflicting capacities will be more loyal to the entity which pays him a salary.

Section 563.33(a)(5)(v) provides for an exception from the guidelines set forth in §§ 563.33(a)(5)(i)–(iv) for directors, officers and employees of other financial institutions and their holding company affiliates which are part of the same savings and loan holding company as the insured institution. The proposal contained a similar holding company exception. Section 563.33(a)(5)(v) also provides for an exception if neither the financial institution nor any financial institution which is a holding company affiliate thereof has an office in any county or standard metropolitan statistical area in which the insured institution has an office, nor within any county or SMSA from which such insured institution receives more than $5,000,000 or five percent of its savings accounts. The exception concerning savings accounts is new, and is intended to make clear that this type of competition also should be a factor in determining acceptable representation of other financial institutions on the board of an insured institution.

Section 563.33(c) prohibits salaried officers of an insured institution from becoming, or after such institutions' 1978 annual meeting from continuing as, salaried officers or employees of other financial institutions or their holding company affiliates. This prohibition differs from the proposal in that this resolution applies all of the exceptions in § 563.33 (a)(5) to such prohibition, whereas the proposal would have only excepted financial institutions which were affiliates of the insured institution. The Board believes these additional exceptions are appropriate because they address situations in which there presumably is no significant competition. An insured institution operating pursuant to a condition of insurance or a provision of its agreement for operating policies which restricts the employment of its officers need not continue to comply with such condition or provision after the effective date of § 563.33.

Section 563.33(d) prohibits an insured institution and its subsidiaries from permitting their salaried officers or employees from doing work for any affiliated person of such institution or subsidiary during their hours of employment, unless such affiliated person compensates the institution or subsidiary for the time spent in such work. This prohibition was adopted as proposed, except that it has been clarified to refer only to work done for affiliated persons during the hours of employment of the officer or employee.

Proposed § 563.33(f) would have prohibited clearly excessive compensation to directors, officers, and controlling persons of insured institutions and their service corporation affiliates, and would have set forth standards for determining when such compensation was "clearly excessive." Because there is an existing Insurance Regulation in this area (§ 563.17 (b)), the Board has decided not to adopt proposed § 563.33(f). However, the Board does plan to issue an interpretation of said § 563.17(b) to clarify certain portions of that section. In addition, § 563.17 (b) is hereby revised to make clear that former officers, directors, and employees of an insured institution or service corporation thereof who regularly perform services for the institution or service corporation under consulting contracts will be considered employees of the institution or service corporation for purposes of compliance with § 563.17(b), which accords with previous interpretation of § 563.17(b) by the Board's staff.

B. New § 563.45 *Disclosure.* As indicated at the beginning of Part IA, the Board believes the combination of guidelines concerning composition of boards of directors of insured institutions and revised § 563.45 on disclosure will produce more independent boards of directors. However, § 563.45 makes clear that disclosure required by this section does not restrict the Board's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

As revised, § 563.45 requires an insured institution (with three exceptions) to either (1) submit to each member having two or more votes an annual report containing the information specified in Form AR at least 20 calendar days prior to its 1978 annual meeting and each annual meeting thereafter, or (2) send a notice to such members at least 30 days prior to any such meeting stating that such a report will be promptly provided on request, and include with the notice a postage prepaid card for making such a request. For purposes of complying with this requirement, an institution may determine its voting members as of a date prior to the actual record date for an annual meeting. The Board does not believe this requirement (with the exceptions) will prove unduly onerous, because neither the annual report nor the notice of meeting need be provided (unless requested) to a person having less than two votes (e.g., borrower-members) and because the report itself need not be mailed out unless requested.
on request, and include with the notice a

The first exception to the annual report requirement is for insured institutions having less than $15,000,000 in assets; however, this is a qualified exception, as discussed in the following paragraph. While voting members of such institutions are no less entitled to annual report information than voting members of larger institutions, the Board believes this right must be balanced against the cost of mailing such reports (or a notice thereof). In the case of institutions with less than $15,000,000 in assets, the Board has concluded not to require incurrence of such cost at this time, in the absence of unusual circumstances.

The exception from the annual report requirement in § 563.45(a) for institutions having less than $15,000,000 in assets is not unqualified. Rather, the requirements applicable to such institutions have been scaled down to achieve a reasonable balance between the advantages to be gained from such requirements and the cost considerations described in the preceding paragraph. Thus, § 653.45(d) merely requires an insured institution which has less than $15,000,000 in assets, and which does not meet the three standards in the third exception (discussed below) to the § 563.45 (a) annual report requirement, to file with the Board an annual report which meets the specifications of Form AR. Such a report need not be sent or made available by the institution to its voting members pursuant to § 563.45(a) unless the Board determines (1) that the annual report for the preceding audit period revealed events or practices which the Board believes should be so disclosed, and (2) such events or practices are continuing.

The second exception to the annual report requirement is for insured stock institutions which are subject to the proxy solicitation requirements of § 563d.1—i.e. institutions registered under the Securities and Exchange Act of 1934. Because such institutions must provide information to stockholders in connection with their annual proxy solicitations which is considerably more elaborate than that required pursuant to § 563.45, requiring such institutions to also comply with the § 563.45 annual report requirement would be superfluous.

The third exception to the annual report requirement applies to any insured institution which has all of the following three characteristics. First, such an institution must have a board of directors which conforms to the composition guidelines set forth in § 563.33(a) at the end of the audit period preceding the institution's annual meeting, beginning with its 1978 annual meeting (or its 1980 meeting if directors are elected for staggered three-year terms). Second, affiliated persons of such institution must not have engaged subsequent to the effective date of this regulation in any transactions which would have to be disclosed under Item 6(e) of the annual report form during the audit period prior to the annual meeting; these transactions are generally those in which the affiliated person has a material interest. Third, proxies solicited by such institution's management from savings account holders and borrowers for the next annual meeting (starting with the 1978 annual meeting), other than in connection with an annual proxy solicitation, must be voted as directed by a majority vote of the entire board of directors, or by a committee of such directors if such committee's composition and authority are controlled by a majority vote of the entire board and its authority is revocable by such a majority. This third requirement generally does not invalidate existing proxies, because a vote by the majority of a board of directors would be within the scope of the type of assigning language used in most proxies—e.g. "to Mr. X or Mr. Y, with full power of substitution in each of them." Requiring a majority vote would simply involve substitution of the entire board for a specific designated person or persons.

The Board views the exception described in the preceding paragraph as the key to its disclosure regulation, because its effect is to make the disclosure regulation optional. Thus, an insured institution which does not desire to prepare annual reports meeting the requirements of Form AR may choose not to do so, provided that such institution conforms to the standards set forth in the third exception. One of the points made most frequently in the public comments on the Board's proposals was that this area is an extremely complex one involving diverse needs and practices, and that Board regulations therefore should be as flexible as possible. The Board believes that the alternatives provided by § 563.45 will produce the desired flexibility, without jeopardizing the Board's goals in this area.

The report which must be prepared under § 563.45 requires that information pertinent to the election of directors of an insured institution be available to persons having voting rights, with somewhat different treatment for institutions having less than $15,000,000 in assets. Proposed § 563.45 would have required an insured institution to make available to persons having voting rights certain information concerning (1) loans to affiliated persons of such institution and certain of their business associates, and (2) loan transactions in which such persons had a material interest by virtue of acting in certain capacities with respect to such transactions—e.g., as the institution's attorney. While information in these areas is necessary for persons having voting rights to be able to make informed decisions concerning the election of directors, other types of information are also relevant in making such decisions—e.g., information concerning voting rights and proxies, present directors and nominees for directorships (such as their recent professional experience), remuneration of directors and officers, changes in controlling persons of the institution, and the present financial condition of the institution. The contents of the annual report required by § 563.45 are very similar to those of the corresponding portions of the proxy statement form used by the Federal Deposit Insurance Corporation (Form F–5; 12 CFR 335.51); the major differences between them involve deletions from the FDIC form of certain material not particularly relevant to the election of directors and addition from the FDIC's annual report form (Form F–2; 12 CFR 335.42) of material which is relevant to director election. The information required by the Board's annual report form is also similar to the content of comparable forms used by the Securities and Exchange Commission, the Federal Reserve Board, and the Comptroller of the Currency.

If an insured institution is required by § 563.45(a) to prepare an annual report, it must file six copies with the Board concurrently with or prior to their being used or transmitted, together with six copies of any notice of meeting transmitted in lieu of such annual report. Three of these copies must be mailed to the Principal Supervisory Agent (PSA) and the other three to the Securities Division of the Board's General Counsel's office in Washington. If the Board determines that the material so filed fails to comply in any material respect with Form AR, it may require such material for three years thereafter to be filed with the Board and authorized for use prior to being transmitted or made available to voting members.

The format of the annual report form prescribed by § 563.45 (Form AR) is also similar to the FDIC forms in this area (as well as the forms of the other agen-

cies mentioned above) in that it is a list of "Items" of information to be disclosed, with each such Item being followed by a number of Instructions as to what should be included or not included. Because this format produces a form relatively easy to read and understand, the Board does not believe it necessary to describe the disclosures in detail in this preamble.

The annual report form specified by § 563.45 is divided into eight items, as follows: (1) Nominees and Directors, (2) Officers, (3) Voting Rights, (4) Proxies and Revocability Thereof, (5) Change in Control, (6) Remuneration and Other Transactions With Management and Others, (7) Brief Description of Business, and (8) Financial Statements. Item (6) is in turn divided into seven paragraphs, as follows: (a) Direct Remuneration, (b) Annuities, Pensions, and Retirement Benefits, (c) Other Remuneration, (d) Loans, (e) Transactions Where Certain Persons Have a Material Interest, (f) Options to Purchase Securities and (g) Transactions Involving Certain Pension, Retirement, Savings, and Other Similar Plans.

In connection with new § 563.45, it should be noted that § 545.23 has been amended to provide that a Federal association need not mail or publish the Statement of Condition required by that section to its depositors and borrowers in connection with any annual meeting with respect to which the association has mailed an annual report meeting the requirements of Form AR to such persons. The Board believes the § 545.23 requirement would be superfluous in such instances.

II. Deposit Relationships

Revised § 563.34 prohibits an insured institution and its subsidiaries from maintaining a deposit relationship with any affiliated person of such institution or with any financial institution or holding company affiliate thereof of which an affiliated person of the institution is a director, if maintenance of such relationship has been specifically disapproved by the Principal Supervisory Agent. This section also prohibits establishment of such a relationship (after September 30, 1976) without prior written approval of the PSA, or maintenance of an existing relationship without such approval (1) if the financial institution becomes an affiliated person or (2) if an affiliated person of the insured institution becomes a director of the financial institution or any holding company affiliated thereof.

This revision produces a regulation similar to existing § 563.34. The only differences are (1) a different effective date for the requirement of PSA approval (the date in existing § 563.34 is July 1, 1972) and (2) a more complete list of standards to be used in PSA approval and disapproval.

Revised § 563.34 differs from the proposed amendments in several respects, as follows. First, maintenance of existing deposit relationships is treated differently from establishment of new relationships. The proposal would have prohibited both maintenance and establishment after specified dates in the absence of PSA approval. Because there are many such relationships presently in existence, the Board believes it more appropriate to continue to authorize PSA's to specifically disapprove those not conforming to certain standards, rather than to require approval.

Second, the revisions adopted by this resolution specify several additional factors to be considered by PSAs in determining whether to disapprove an existing deposit relationship or approve establishment of a new relationship. Although these additional factors were not previously in the regulation, they have been used by the PSAs, and the Board believes it desirable that they be made part of this regulation. These factors are (1) need for the depository relationship and availability of alternative deposit relationships not involving affiliated persons, (2) the extent to which affiliated persons have an interest in the depository, (3) whether the depository relationship has been approved by a disinterested majority of the entire board of directors of the institution or subsidiary, (4) any current supervisory problems involving the institution or subsidiary and affiliated persons having an interest in the depository, and (5) whether the depository relationship was established prior to July 1, 1972 (the effective date of the previous regulatory provision in this area).

Revised § 563.34 also differs from the proposed amendments in this area in two minor respects. First, the restrictions now apply to subsidiaries of insured institutions as well as to the institutions themselves. The Board believes this extension of the restrictions is desirable to preclude their circumvention by having a subsidiary maintain or establish a deposit relationship which would not be permitted for its parent institution. Second, the terminology used in revised § 563.34 differs somewhat from that used in the proposed amendments. These changes result from changes to the definition of the term "affiliated person" (discussed in Part IV, A of this preamble) and do not change the application of § 563.34, except as previously discussed.

III. Restrictions Concerning Loan Services

Revised § 563.35(a), which sets forth certain tie-in provisions applicable to insured institutions, differs in three respects from the amendments to that section which were proposed. First, these prohibitions apply to subsidiaries of insured institutions as well as to the institutions themselves. The Board knows of no reason why subsidiaries should be permitted to impose conditions of this type in connection with making loans. Second, the proposed clarification of the existing tie-in prohibition as to insurance services has been modified to specifically except private mortgage insurance, because this type of insurance does not benefit the borrower in the same way as do other types of insurance, and the borrower does not contract for it with the insurer. This does not constitute a substantive change, because private mortgage insurance has previously been excepted from this prohibition by interpretation. Third, the revisions add a tie-in prohibition as to real estate or property management services.

The revisions to proposed § 563.35(b), which requires insured institutions to notify home borrowers of their right to select the person or organization providing insurance services, apply this requirement to subsidiaries of insured institutions as well as the institutions themselves. The Board believes home borrowers from subsidiaries are entitled to the same treatment in this area as home borrowers from insured institutions.

Several revisions have been made to proposed § 563.35(d) concerning payment of the insured institution's attorney's fee in connection with home loans. This proposed amendment would have permitted insured institutions to require home borrowers to reimburse the institution for such legal services if three conditions were met, and this format is continued except that the restriction is now applicable to subsidiaries of insured institutions as well as the institutions themselves. Two of these conditions are contained in the amendments adopted by this resolution—viz., (1) the attorney's fee must be limited to legal services attributable to the loan (and not to unrelated legal work), and (2) the fee must be supported by a statement prepared or by on behalf of the attorney describing the legal services performed, setting forth the time spent and the hourly rate or other basis for determining the fee.

The first of these conditions was adopted without change. The second condition was changed in four respects. First, fees of $100 or less are excepted. The Board does not believe this type of disclosure is necessary for fees of this size, and is also concerned that such a requirement might result in increase of such fees. Second, the statement provided to home borrowers must also state that the legal services for which the fee is paid are performed for the institution and not for the borrower, and that such services to the institution are being paid for by the home borrower. The Board believes it is not always clear to a home borrower that the institution's attorney is not representing the borrower even through the borrower is paying the fee, and that such attorney's role should be completely clear. Third, the attorney's fee must be separately itemized on the loan settlement sheet and identified as a fee to the lender's attorney, so that the borrower knows the amount of this fee. Fourth, such attorney's fee must be reasonable and commensurate with the legal services performed. The Board believes this requirement is necessary because the third condition referred to above has not been adopted, as discussed in the following paragraph.

The third condition in the proposal was that neither the institution's closing attorney nor any attorney in his law firm be an affiliated person of the institution, unless such attorney acted as sal-

aried in-house counsel to the institution. The Board decided not to adopt this third condition now, because the other revisions to this section, together with new § 563.45 on disclosure, may solve existing problems, and because of the strongly held belief of many in the industry that it would cause undue and harmful disruption of existing mortgage closing practices—although the Board is not convinced that such harmful disruption would actually occur. The Board reserves the right to reconsider this decision in the light of future experience in this area.

Proposed § 563.35(e) would have prohibited an insured institution from requiring a home borrower to pay for an appraisal in connection with his loan if the appraisal was performed by an affiliated person of the institution or a member of his firm, unless such person was a salaried in-house appraiser for the institution. This proposed restriction was not adopted for the same reason that the corresponding provision concerning attorneys' fees was not adopted.

IV. Restrictions Concerning Affiliated Persons

A. *New §§ 561.29, 561.30, 561.31 and 651.32: Definitions.* The substantive restrictions concerning affiliated persons depend on four definitions, discussed below.

The proposal would have defined an "affiliated person" of an insured institution as (1) a director, officer, or controlling person of the institution, (2) a spouse of the persons in (1), and (3) a corporation, partnership, trust, or similar organization in which any person in (1), either directly or indirectly (other than through the insured institution), had an equity or income beneficiary interest of 10 percent or more individually or 15 percent or more collectively with persons in (1). This definition has been revised in four respects. First, the term now includes any immediate family member of directors, officers, and controlling persons who has the same home as such persons or one who is a director or officer of any subsidiary of such institution or any holding company affiliate of the institution. Second, the definition now includes corporations and other organizations (other than the insured institution or a corporation or organization through which the insured institution operates) of which a director, officer, or controlling person of the institution is an officer or partner. Third, the aggregate ownership test by which such persons cause an entity to be an affiliated person has been increased to 25 percent. Fourth, the definition now includes trusts or other estates as to which such persons or their spouses serve as trustees or in a similar fiduciary capacity. These changes were made to conform the definition generally to the SEC and FDIC definition of "associate". It should also be noted that the definition of "controlling person" has been revised to make clear that it includes persons who control an institution by virtue of holding proxies representing 10 percent or more of the voting rights in such institution. However, a director will not be deemed a controlling person based on his voting (either alone or in concert with other directors) proxies obtained from savings account holders and borrowers in connection with an annual solicitation of proxies, or if such proxies are voted as directed by a majority vote of the entire board of such institution. The Board believes these exclusions are appropriate, because a proxy-holding director cannot individually "control" an institution in the intended sense of the controlling person definition in either of these two situations.

Proposed § 561.30 would have defined the "immediate family" of a person as (1) such person's spouse, father, mother, children, brothers, sisters, and grandchildren, (2) the father, mother, brothers, and sisters of such person's spouse, and (3) the spouse of a child, brother, or sister of such person. This definition was adopted without change.

The proposal would have defined a director as any director, trustee, or other person performing similar functions with respect to any organization, whether incorporated or unincorporated. This definition was adopted without change, except that it has been clarified to exclude advisory directors, directors emeritus, and similar persons, unless they perform functions similar to those of a director. This change is intended to provide flexibility with respect to such directors, who often serve in a purely honorary capacity but sometimes serve as true directors.

The proposed definition of "officer" included the chairman of the board of an organization, the president, any vice-president (with certain exceptions), secretary, treasurer, comptroller, and any other person performing similar functions. This definition was adopted without change, except that it now includes a chairman of the board only if he is authorized by the charter or bylaws of the organization to participate in its operating management or in fact participates in such management. As with the definition of director, this change is intended to provide sufficient flexibility to reflect the facts of particular situations.

In connection with the exceptions for certain vice presidents within the definition of officer, it should be noted that the thrust of these exceptions is to exclude vice presidents having little or no policy making authority. Thus, while the list of exceptions does not refer specifically to vice presidents who are branch managers but do not participate in policy making, such persons would not be officers under § 561.32.

B. *New § 563.40: Payment of Fees to Affiliated Persons.* Proposed § 563.40(a) would have prohibited affiliated persons of an insured institution from receiving, directly or indirectly, loan procurement fees from the institution or any other source in connection with a loan by such institution. This section was adopted without change, except that it has been clarified to also prohibit receipt of such fees from a subsidiary of an insured institution and in connection with loans by any such subsidiary. As noted in the introductory portion of this preamble, conforming changes have been made in § 545.6–10.

Proposed § 563.40(b) would have applied the prohibitions against kickbacks and unearned fees in sections 8(a) and 8(b) of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533) to monies or other items of value given to or accepted by an insured institution or service corporation affiliate or affiliated person thereof in connection with any loan on real property made by such institution or service corporation affiliate, without regard to whether the loan was a "federally related mortgage loan" as defined in sec. 3(1) of the Act (i.e. a loan secured by a 1–4 family home). This section was adopted without change, except for the conforming amendments to § 545.8 referred to in the introductory portion of this preamble, and the substitution of "subsidiary" for "service corporation affiliate."

An insured institution need not continue to comply after the effective date of said § 563.40, with any condition of insurance or provision of its agreement for operating policies concerning commissions or fees paid to persons associated with the institution.

C. *New § 563.41: Restrictions on Real Property Transactions with Affiliated Persons.* Proposed § 563.41 would have prohibited an insured institution and its service corporation affiliates from, either directly or indirectly, purchasing from, jointly owning with, selling to, or leasing from an affiliated person of such institution any interest in real property. An exception was provided for existing office building leases and joint ownerships, but no such lease could have been renewed unless certain conditions were met, as determined by a PSA. These conditions were that the terms of the renewal be fair and (if the term of the renewal was to last after January 1, 1980) that there be no other suitable location or that moving would cause undue hardship.

This proposed provision has been changed in two general respects—(1) additional exceptions have been added and (2) several exceptions are now subject to certain revised conditions, including PSA approval. The new exceptions are for (1) a purchase from an affiliated person of his interest in real property jointly owned on September 30, 1976, (2) a sale to an affiliated person of the institution's or subsidiary's interest in such jointly owned property, (3) a lease (including any renewal thereof) from an affiliated person existing on such date with respect to which the institution or subsidiary has applied to maintain an office, (4) the purchase from an affiliated person of property subject to an existing lease on which the institution or subsidiary maintains or has applied to maintain an office, and (5) a new lease (including renewals) of real property, from an affiliated person on which the institution or subsidiary will maintain an office if the space being leased is not more than 15 percent of the total space being leased in the shopping center or office building. The Board believes that these additional exceptions are not likely to be detri-

mental to insured institutions if the conditions described in the following paragraph are met.

The following conditions must be met with respect to all of the new exceptions as well as with respect to renewal of a lease of property on which the institution or subsidiary maintains an office on September 30, 1976. In other words, these conditions apply to all the exceptions to § 563.41 except existing joint ownerships and leases. The conditions are that (1) the transaction receive prior written approval of the PSA, (2) the terms of the transaction be fair to, and in the best interest of, the insured institution or subsidiary, (3) the transaction be supported by an independent appraisal not prepared by an affiliated person or employee of the institution or subsidiary, and (4) the transaction be approved in advance by a resolution duly adopted with full disclosure by at least a majority (with no director having an interest in the transaction voting) of the entire board of the institution or subsidiary, or by a majority of the total votes eligible to be cast by the voting members of such institution at a meeting called for such purpose, with no votes being cast by proxies not solicited for such purpose. Full disclosure must include the source of financing of the affiliated person, including whether the insured institution or a subsidiary thereof has a deposit relationship with any financial institution or holding company thereof providing such financing. As indicated in the previous paragraph, the Board believes these conditions will substantially mitigate any possible adverse effects of these exceptions on insured institutions.

As noted in the introductory portion of this preamble, conforming amendments have been made in § 545.6–5 and 545.10. In addition, § 545.6–18, captioned "Urban renewal loans and investments," is amended by revoking paragraph (g) thereof. Said § 545.6–18(g) imposed several restrictions concerning real property investments involving affiliated persons which are inconsistent or redundant as a result of the amendments hereby adopted.

D. New § 563.43: *Restrictions on loans and other investments involving affiliated persons.* Section 563.43(b) of the proposal would have prohibited insured institutions and their service corporation affiliates (termed subsidiaries in these final regulations as noted above) from engaging in loan or certain other types of transactions with affiliated persons, with certain exceptions. This proposed prohibition was adopted without change, except for some revision of the exceptions as described in the following paragraph.

The first exception permits an institution and its subsidiaries to make loans to affiliated persons secured by single-family dwellings owned and occupied as the borrower's principal residence. The second exception permits loans to such persons aggregating not more than $10,000 for constructing, adding to, improving, altering, repairing, equipping, or furnishing a single-family dwelling owned and occupied as the borrower's principal residence. The aggregate $10,000 limit is new and is intended to set a reasonable limit on such loans. The third exception permits loans to such persons secured by a mobile home owned and occupied by the borrower as his principal residence. The fourth exception permits loans secured by savings accounts maintained by the affiliated person at the institution. The fifth exception permits loans aggregating not more than $10,000 for payment of educational expenses. The $10,000 aggregate limit is new and was added for the same reason as the $10,000 limit in the second exception. The sixth exception permits consumer loans aggregating not more than $10,000 (including loans made under the second exception). The $10,000 limit here is likewise new.

In addition to these dollar limitations added to three of the above-described exceptions, all loans made pursuant to any of these exceptions, other than that authorizing savings account secured loans, must be approved in advance by a disinterested majority of the board of directors of the institution or subsidiary making the loan, following full disclosure of the loan terms to such board of directors. Full disclosure includes whether the loan (1) is made in the ordinary course of business of the institution or subsidiary, (2) is made on substantially the same terms, including interest rate and collateral, as those prevailing at the time for comparable loans to other than affiliated persons, and (3) involves more than the normal risk of collectibility or presents other unfavorable features. If the interest rate or other terms are more favorable to the affiliated person, the resolution must justify the more favorable terms, particularly as to affiliated persons who are not salaried officers or other employees of the institution or subsidiary. Disclosure of this type of information (other than the justification) is traditionally made to persons having voting rights in connection with annual proxy solicitations. (See Instruction 2 to Item 6(d) of Form AR under § 563.45 of this chapter.) The Board believes the justification is particularly necessary as to borrowers other than salaried officers and employees, because the customary reason for making such loans at below-market interest rates is to provide additional compensation to the borrowers.

The Board believes this approval/disclosure requirement will help to ensure that loans to affiliated persons are not made on terms so favorable to the borrower as to be detrimental to the institution or subsidiary, because boards of directors who will be approving the loans have a legal responsibility to act in the best interests of the entities on whose boards they serve.

Section 563.43(b) of the proposal would also have prohibited insured institutions and their service corporation affiliates (now subsidiaries) from investing, either directly or indirectly, in the stock, bonds, notes, or other securities of affiliated persons. Similarly, the direct or indirect purchase of securities under a repurchase agreement from an affiliated person would also have been prohibited. These two prohibitions are adopted by this resolution as proposed.

Proposed § 563.43(c) would have prohibited insured institutions and their service corporation affiliates (now subsidiaries) from directly or indirectly entering into five types of transactions with third parties from which affiliated persons would derive benefit, or which could place the institution or subsidiary in a position of having to choose between acting in the best interests of itself or the affiliated person. First, institutions and their subsidiaries could not make any loans to, or purchase (other than through a secondary market such as the Federal Home Loan Mortgage Corporation) any such loan made to, any third party on the security of property acquired directly from an affiliated person. This prohibition has been changed to provide an additional exception for loans secured by a single-family dwelling purchased from an affiliated person which was owned and occupied by such person as his principal residence. The Board sees no reason to prohibit such a loan to a third party, which could be made to an affiliated person directly. The exception for secondary market transactions where the loan purchaser does not know the identity of the seller of the security property, such as ordinary Federal Home Loan Mortgage Corporation transactions, has been retained. Second, an institution and its subsidiaries could not make a loan to, or purchase a loan made to, any third party secured by real property with respect to which any affiliated person holds a security interest. Third, no institution or subsidiary thereof could accept the stock, bonds, notes, or other securities of any affiliated person as security for a loan to any third party made or purchased by such institution or subsidiary. Fourth, no institution or subsidiary thereof could maintain a compensating balance with respect to a loan made by a third party to an affiliated person. Fifth, no institution or subsidiary thereof could enter into any guarantee arrangement or make any takeout commitment with respect to a loan made by a third party to any affiliated person. Proposed § 563.43 was adopted without change, except as described above.

As mentioned in the introductory portion of this preamble, conforming amendments have been made in § 545.8, § 545.6–10(a), § 545.6–20(a) and § 545.8–3, and § 545.6–8 has been revoked. It should also be noted that an insured institution need not continue to comply with any condition of insurance or provision of its agreement for operating policies concerning loans made to or purchased from persons associated with the institution after September 30, 1976.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 by revoking § 545.6–8 and by revising §§ 545.6–5(a), 545.6–10, 545.6–18, 545.6–20(a), 545.8, 545.8–3, 545.10 and 545.23 thereof as set forth below, effective September 30, 1976. It should be noted that all the above-listed amendments to part

545 involve either deletions, exceptions, redesignations of existing provisions, or alteration of references to other sections; no new substantive requirements are added to these sections. The Federal added to these sections. The Federal Home Loan Bank Board also hereby amends Part 561 by revising § 561.28 thereof and by adding §§ 561.29, 561.30, 561.31, 561.32, 561.33, 561.34, 561.35, 561.36 and 561.37 thereto, and amends Part 563 by revising §§ 563.17, 563.34 and 563.35 thereof and by adding §§ 563.33, 563.40, 563.41, 563.43 and 563.45 thereto, as set forth below, effective on September 30, 1976, except as otherwise set forth in said amendments.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Section 545.6-5(a) is revised to read as follows:

§ 545.6–5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located at an investment not exceeding the sum of (1) $55,000 for each single-family dwelling, or $82,500 with respect to each such dwelling in Alaska, Guam or Hawaii, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith; and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. If a Federal association increases its savings accounts as part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

* * * * *

§ 545.6–8 Loans to directors, officers or employees. [Revoked]

2. Section 545.6–8 is revoked.

3. Section 545.6–10 is revised to read as follows:

§ 545.6–10 Initial loan charges.

Except as provided in §§ 563.35(d) and (e) of this chapter, borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to the persons rendering such services.

4. Section 545.6–18 is revised by revoking paragraph (g) as follows:

§ 545.6–18 Loans in urban renewal areas.

* * * * *

(g) [Revoked]

5. In § 545.6–20 the introductory text of paragraphs (a) and (a)(3) are revised to read as follows:

§ 545.6–20 Loans guaranteed under the Foreign Assistance Act of 1961.

(a) *General.* Without regard to the provisions of any other section of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest in any of the following loans, or any interest therein:

* * * * *

(3) Loans having the benefit of any guaranty under sections 221 or 222 of such Act, as in effect on December 30, 1969, and thereafter.

* * * * *

6. In § 548.8, paragraph (b) is revoked and the introductory text of paragraph (a) is revised to read as follows:

§ 545.8 Loans without requirement of security.

Without regard to any other provision of this part, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

* * * * *

(b) [Revoked]

7. Section 545.8–3 is revised to read as follows:

§ 545.8–3 Insured loans for title purchase.

Without regard to any other provision of this part, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

8. Section 545.10 is revised to read as follows:

§ 545.10 Real estate for office and related facilities.

(a) A Federal association may invest in real estate (improved or unimproved) to be used for office and related facilities of the association, or for such office and related facilities and for rental or sale, if each such investment is made and maintained pursuant to a prudent program of property acquisition to meet either the association's present needs or its reasonable future needs for office and related facilities. Except with the prior approval of the Board, no such investment may be made before the Board has approved an application for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before such Board approval would exceed 25 percent of the association's net worth. Except with the prior approval of the Board, no such investment may be made before or after the Board has approved an application, if any such application is required, for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before and after such Board approval would exceed the association's net worth.

(b) *Requests for Board approval of exceptions.* Any request by a Federal association for Board approval of an exception to the limitations contained in this section shall be transmitted to the Supervisory Agent, with a copy thereof to the Director, Office of Examinations and Supervision, 320 First Street, NW., Washington, D.C. 20552. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of which the Federal association is a member or any other officer or employee of such bank designated by the Board as its agent pursuant to § 501.11 of this chapter.

9. Section 545.23 is revised to read as follows:

§ 545.23 Statement of condition.

Within the month immediately after the annual closing of a Federal association's books, such Federal association shall either mail to each of its members, or in the case of a Charter S association each of its depositors and borrowers, at his last address appearing on the association's books, or publish in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located, a statement of condition of the association as of such closing of its books, in form prescribed by the Board. (The Board has prescribed a form of "Statement of Conditions," an illustrative copy of which may be obtained from any Federal Home Loan Bank or from the Federal Home Loan Bank Board, Washington, D.C.) Within five days after each such statement of condition has been so mailed or published, a certification to such effect, signed by an executive officer of such Federal association, together with a copy of the statement of condition, shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member. This section shall not apply to a Federal as-

sociation in any year in which such association transmits an annual report containing the information required by § 563.45(a) of this chapter to its voting members at least 20 calendar days prior to its annual meeting in such year.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITION

10. Part 561 is amended by revising § 561.28 to read as follows:

§ 561.28 Controlling person.

A "controlling person" of an insured institution is any person or entity which, either directly or indirectly, or acting in concert with one or more other persons or entities, owns, controls, or holds with power to vote, or holds proxies representing, ten percent or more of the voting shares or rights of such institution; or controls in any manner the election or appointment of a majority of the directors of such institution. However, a director of an insured institution will not be deemed to be a controlling person of such institution based upon his voting, or acting in concert with other directors in voting, proxies (a) obtained in connection with an annual solicitation of proxies or (b) obtained from savings accountholders and borrowers if such proxies are voted as directed by a majority vote of the entire board of directors of such institution, or of a committee of such directors if such committee's composition and authority are controlled by a majority vote of the entire board and if its authority is revocable by such a majority.

11. Part 561 is further amended by adding §§ 561.29 through 561.37 as follows:

§ 561.29 Affiliated person.

The term "affiliated person" of an insured institution means the following:

(a) A director, officer, or controlling person of such institution;

(b) A spouse of a director, officer, or controlling person of such institution;

(c) A member of the immediate family of a director, officer, or controlling person of such institution, who has the same home as such person or who is a director or officer of any subsidiary of such institution or of any holding company affiliate of such institution;

(d) Any corporation or organization (other than the insured institution or a corporation or organization through which the insured institution operates) of which a director, officer or controlling person of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of 10 percent or more of any class of equity securities or the owner with other directors, officers, and controlling persons of such institution and their spouses of 25 percent or more of any class of equity securities; and

(e) Any trust or other estate in which a director, officer, or controlling person of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

§ 561.30 Immediate family.

The term "immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

(a) Such person's spouse, father, mother, children, brothers, sisters, and grandchildren;

(b) The father, mother, brothers, and sisters of such person's spouse; and

(c) The spouse of a child, brother, or sister of such person.

§ 561.31 Director.

The term "director" means any director, trustee, or other person performing similar functions with respect to any organization whether incorporated or unincorporated. Such term does not include an advisory director, honorary director, director emeritus, or similar person, unless the person is otherwise performing functions similar to those of a director.

§ 561.32 Officer.

The term "officer" means the president, any vice-president (but not an assistant vice-president, second vice-president or other vice-president having authority similar to an assistant or second vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated. The term "officer" also includes the chairman of the board of directors if the chairman is authorized by the charter of by-laws of the organization to participate in its operating management or if the chairman in fact participates in such management.

§ 561.33 Financial institution.

The term "financial institution" means any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank or trust company. Such term does not include a Federal Home Loan Bank or the Bank for Savings and Loan Associations, Chicago, Illinois.

§ 561.34 Holding company affiliate.

The term "holding company affiliate" of an insured institution means a savings and loan holding company of which such insured institution is a subsidiary and any other subsidiary of such holding company other than a subsidiary of such insured institution. The term "holding company affiliate" applies to an uninsured institution as if such institution were insured. For purposes of these definitions of "holding company affiliate", see § 583.7 Uninsured institution, § 583.11 Savings and loan holding company, § 583.14 Subsidiary, § 583.15 Affiliate and related definitions in Part 583 of this chapter. The term "holding company affiliate" of a bank means a bank holding company of which hte bank is a subsidiary and any other subsidiary of such holding company. For purposes of this definition, see definitions of "bank holding company of which the bank is a subing company", "bank", "subsidiary" and related definitions in the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841).

§ 561.35 Principal supervisory agent.

The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located.

§ 561.36 Parent company; subsidiary.

The terms "parent company" and "subsidiary" have the meanings given to them by §§ 583.10 and 583.14 of this chapter, respectively.

§ 561.37 Audit period.

The "audit period" of an insured institution means the twelve month period (or other period in the case of a change in audit period) covered by the annual audit conducted to satisfy § 563.17–1.

PART 563—OPERATIONS

12. Part 563 is amended by revising § 563.17(b) thereof to read as follows:

§ 563.17 Management and financial policies.

* * * * *

(b) Compensation to officers, directors, and employees of each insured institution and its service corporations shall not be in excess of that which is reasonable and commensurate with their duties and responsibilities. Former officers, directors, and employees of an insured institution or its service corporation who regularly perform services therefor under consulting contracts are employees thereof for purposes of this paragraph (b).

13. Part 563 is amended by adding § 563.33 to read as follows:

§ 563.33 Directors, officers, and employees.

(a) *Directors.* The following guidelines are recommended for composition of the board of directors of an insured institution:

(1) A majority of the directors of an insured institution should live or work in the normal lending territory of such institutions.

(2) Not more than one-third of the directors of an insured institution should be salaried officers or employees of such institution or of any subsidiary or holding company affiliate thereof.

(3) Not more than two of the directors of an insured institution should be members of the same immediate family.

(4) Not more than one director of an insured institution should be an attorney with the same law firm.

(5)(i) No director of an insured institution should be a director of any other financial institution or holding company affiliate thereof, other than a commercial bank or trust company.

(ii) Not more than one-third of the directors of an insured institution should be directors of a commercial bank, trust

company, or holding company affiliate of such a bank or company.

(iii) Not more than one director of an insured institution should be a director of the same commercial bank, trust company, or holding company affiliate of such a bank or company.

(iv) No director of an insured institution should be a salaried officer or employee of any other financial institution or holding company affiliate thereof.

(v) Paragraphs (a)(5) and paragraph (c) of this section do not apply to directors, officers or employees of another financial institution or holding company affiliate thereof (*a*) if such other financial institution and such insured institution are subsidiaries of the same savings and loan holding company or (*b*) if neither such other financial institution nor any holding company affiliate thereof which is a financial institution has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which such insured institution has an office or within any county or SMSA from which such insured institution receives either more than $5,000,000 or five percent of its savings accounts.

(b) *Inconsistent conditions of insurance or agreements for operating policies.* Any insured institution which agrees in writing with the Corporation to comply with all of the guidelines set forth in paragraph (a) of this section need no longer comply with any present condition of insurance or provision of its agreement for operating policies concerning the composition of its board of directors or the employment of its officers.

(c) *Officers.* Except as provided in paragraph (a)(5)(v) of this section, no salaried officer of an insured institution may become or, after the 1978 annual meeting of such institution, continue to serve as a salaried officer or employee of any other financial institution or holding company affiliate thereof.

(d) *Other employment.* No insured institution or subsidiary thereof shall permit any salaried officer or employee to work during the hours of his employment by such institution or subsidiary for any affiliated person of such institution unless such affiliated person compensates such institution or subsidiary for the time during which such officer or employee is engaged in such work.

14. Section 563.34 is revised to read as follows:

§56.3.34 Deposit relationships involving affiliated persons.

No insured institution or subsidiary thereof shall maintain a deposit relationship with any affiliated person of such institution or with any financial institution or holding company affiliate thereof of which an affiliated person of such insured institution is a director, if the maintenance of such deposit relationship has been specifically disapproved by the Principal Supervisory Agent of the Corporation. No such deposit relationship shall be established (including a new interlock involving an existing deposit relationship) after September 30, 1976, without the prior written approval of the Principal Supervisory Agent. In taking action with respect to the maintenance or establishment of such deposit relationship, factors to be considered by the Principal Supervisory Agent will include:

(a) The size of the depository relative to the deposits maintained or to be maintained by such insured institution or subsidiary;

(b) The amount of the deposits relative to the size of such insured institution or subsidiary;

(c) The need for the deposit relationship by such insured institution or subsidiary and available alternative deposit relationships not involving affiliated persons;

(d) The extent to which affiliated persons have an interest in the depository;

(e) Whether the deposit relationship has been approved by a disinterested majority of the entire board of directors of such insured institution or subsidiary;

(f) Any current supervisory problems involving such insured institution or subsidiary and the affiliated persons having an interest in the depository;

(g) Whether the deposit relationship involves an active demand account;

(h) Whether the deposit relationship was established prior to July 1, 1972; and

(i) Any other factors which may have a detrimental effect on such insured institution or subsidiary.

15. Section 563.35 is revised to read as follows:

§ 563.35 Restrictions involving loan services.

(a) *Tie-in prohibitions.* No insured institution or service corporation affiliate thereof may grant any loan on the prior condition, agreement, or understanding that the borrower contract with any specific person or organization for the following:

(1) Insurance services (as an agent, broker, or underwriter), except insurance or a guarantee provided by a government agency or private mortgage insurance;

(2) Building materials or construction services;

(3) Legal services rendered to the borrower;

(4) Services of a real estate agent or broker; or

(5) Real estate or property management services.

(b) *Notice with respect to insurance on home loans.* An insured institution or subsidiary thereof shall notify the borrower in writing of his right to freely select the person or organization rendering the insurance services referred to in paragraph (a)(1) of this section in connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower at or prior to the time of the written commitment to make such loan.

(c) *Limitation on paragraphs (a) and (b).* Notwithstanding paragraphs (a) and (b) of this section, an insured institution or subsidiary thereof may refuse to make any loan if it believes on reasonable grounds that the insurance services provided by the person or organization selected by the borrower will afford insufficient protection to such institution or subsidiary.

(d) *Payment of attorney's fee by home borrowers.* In connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower, an insured institution or subsidiary thereof may require such borrower to reimburse it for legal services rendered by its attorney, or to directly pay such attorney for such services, only if:

(1) such attorney's fee is limited to legal services attributable to processing and closing such loan (and not unrelated services performed for the institution or subsidiary by the attorney);

(2) Such attorney's fee, if in excess of $100, is supported by a statement provided to the borrower at or prior to settlement which (i) describes the legal services being performed, (ii) sets forth the time being spent by such attorney and the hourly rate or other basis for determining such fee, (iii) states that the legal services are being performed on behalf of the insured institution or subsidiary and not on behalf of the borrower, and (iv) states that such services are being paid for by the borrower;

(3) Such attorney's fee does not exceed that which is reasonable and commensurate with the legal services being performed; and

(4) Such attorney's fee is separately itemized on the loan settlement sheet and identified as a fee to the lender's attorney.

16. Part 563 is amended by adding §§ 563.40, 563.41, 563.43 and 563.45 to read as follows:

§ 563.40 Restrictions on loan procurement fees, kickbacks and unearned fees.

(a) *Loan procurement fees.* No affiliated person of an insured institution may receive, either directly or indirectly, from such institution, any subsidiary thereof, or any other source any fee or other compensation of any kind in connection with the procurement of any loan from such institution or subsidiary thereof.

(b) *Kickbacks and unearned fees.* The prohibitions contained in sections 8(a) and 8(b) of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533) shall apply to any fee, kickback, thing of value, and any portion, split or percentage of any charge, either directly or indirectly, given to or accepted by an insured institution or subsidiary or affiliated person thereof, in connection with any loan on real property made by an insured institution or subsidiary thereof, without regard to whether the loan is within the term "federally related mortgage loan", as defined in section 3(1) of the Act.

§ 563.41 Restrictions on real property transactions with affiliated persons.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between an insured institution and a holding company.

(b) *Restrictions.* No insured institution or subsidiary thereof may, either directly or indirectly, purchase from, jointly own with, sell to, or lease from an affiliated person of such institution any interest in real property, except as follows:

(1) A joint ownership of real property with an affiliated person existing on September 30, 1976;

(2) A purchase from an affiliated person of his interest in real property jointly owned on September 30, 1976, or a sale to an affiliated person of the interest of such institution or subsidiary in real property jointly owned with the affiliated person on such date;

(3) A lease (including any renewal thereof) from an affiliated person existing on September 30, 1976, with respect to real property on which such institution or subsidiary maintains or has applied to maintain an office, and the purchase from an affiliated person of real property subject to such a lease; and

(4) A lease from an affiliated person of real property on which such institution or subsidiary will maintain an office, if the space being leased by such institution or subsidiary is for not more than 15 percent of the total space being leased in the shopping center or office building, and a renewal of such a lease. The exceptions provided in (2), (3), and (4) of the preceding sentence are subject to the following conditions:

(i) The transaction must receive prior written approval of the Principal Supervisory Agent;

(ii) The terms of the transaction must be fair to, and in the best interests of, the insured institution or subsidiary thereof;

(iii) The transaction must be supported by an independent appraisal not prepared by an affiliated person or employee of such institution or subsidiary; and

(iv) The transaction must be approved in advance by a resolution duly adopted with full disclosure by at least a majority (with no director having an interest in the transaction voting) of the entire board of directors of such institution or subsidiary (or alternatively by a majority of the total votes eligible to be cast by the voting members of such institution at a meeting called for such purpose, with no votes being cast by proxies not solicited for such purpose). Full disclosure must include the source of financing of the affiliated person for the real property involved in the transaction, including whether the insured institution or any subsidiary thereof has a deposit relationship with any financial institution or holding company affiliate thereof providing the financing.

§ 563.43 Restrictions on loans and other investments involving affiliated persons.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between an insured institution and a holding company.

(b) *Restrictions concerning loan transactions with affiliated persons.* (1) No insured institution or subsidiary thereof may, either directly or indirectly, make a loan to any affiliated person of such institution or purchase such a loan, except for loans in the ordinary course of the business of such institution or subsidiary which do not involve more than normal risk of collectibility or present other unfavorable features, and are of the following types:

(i) A loan secured by a single-family dwelling owned and occupied by the borrower as his principal residence;

(ii) Loans in the aggregate not exceeding $10,000 for constructing, adding to, improving, altering, repairing, equipping, or furnishing a single-family dwelling owned and occupied by the borrower as his principal residence;

(iii) A loan secured by a mobile home owned and occupied by the borrower as his principal residence;

(iv) Loans secured by savings accounts maintained by the affiliated person at the institution;

(v) Loans in the aggregate not exceeding $10,000 for payment of educational expenses; and

(vi) Consumer loans in the aggregate not exceeding $10,000 (including any amounts borrowed under subdivision (ii) of this subparagraph). With respect to loans covered by the exceptions in (i), (ii), (iii), (v) and (vi) of the preceding sentence, each loan must be approved in advance by a resolution duly adopted with full disclosure by at least a majority (with no director having an interest in the transaction voting) of the entire board of directors of such institution or subsidiary. Full disclosure must include whether the loan is made on substantially the same terms, including interest rate and collateral, as those prevailing at the time for comparable loans to other than affiliated persons. If the interest rate or other terms are more favorable to the affiliated person, the resolution should justify the more favorable terms, particularly as to affiliated persons who are not salaried officers or other employees of such institution or subsidiary. (See Instruction 2 to Item 6(d) of Form AR under § 563.45 of this chapter.)

(2) No insured institution or subsidiary thereof may invest, either directly or indirectly, in the stock, bonds, notes, or other securities of any affiliated person of such institution.

(3) No insured institution or subsidiary thereof may, either directly or indirectly, purchase securities under a repurchase agreement from any affiliated person of such institution.

(c) *Prohibitions concerning loan transactions with third persons.* No insured institution or subsidiary thereof may, either directly or indirectly:

(1) Make any loan to, or purchase (other than through a secondary market such as the Federal Home Loan Mortgage Corporation) any loan made to, any third party on the security of real property purchased from any affiliated person of such institution, unless the property was a single-family dwelling owned and occupied by the affiliated person as his principal residence;

(2) Make a loan to, or purchase a loan made to, any third party secured by real property with respect to which any affiliated person of such institution holds a security interest;

(3) Accept the stock, bonds, notes, or other securities of any affiliated person of such institution as security for a loan to any third party made or purchased by such institution or subsidiary thereof;

(4) Maintain a compensating balance with respect to a loan made by any third party to any affiliated person of such institution; or

(5) Enter into any guarantee arrangement or make any takeout commitment with respect to a loan made by any third party to any affiliated person of such institution.

§ 563.45 Disclosure.

(a) *Annual disclosure requirements.* Except as provided in this paragraph and paragraph (b) of this section, an insured institution shall transmit to its voting members at least 20 calendar days prior to its 1978 annual meeting, and every annual meeting thereafter, an annual report meeting the requirements of Form AR. In lieu of transmitting such annual report, an insured institution may, not less than 30 calendar days prior to its annual meeting, transmit a notice of meeting to its voting members clearly stating that such annual report will be promptly furnished to such person upon request, and provide a postage prepaid card for making such request. For purposes of complying with this paragraph, an insured institution may, if necessary, determine its voting members as of a date prior to the actual record date for voting at its annual meeting. An insured institution is not required by this paragraph to transmit such annual report or notice of meeting to any voting member with less than two votes, unless requested by such member.

(b) *Exemptions from paragraph (a).* Paragraph (a) shall not apply to an insured institution:

(1) If such institution has total assets of less than $15,000,000 as of the end of its audit period immediately preceding the annual meeting, except as provided in paragraph (d); or

(2) In the case of a stock-chartered insured institution, if such institution is subject to the proxy solicitation requirements of § 563d.1 of this chapter; or

(3) If (i) the composition of the board of directors of such institution is in accordance with the guidelines set forth in § 563.33(a) as of the end of its audit pe-

riod immediately preceding the annual meeting, except that an institution whose directors are elected for three-year staggered terms need not be in compliance until the audit period immediately preceding its 1980 annual meeting; (ii) the affiliated persons of such institution have not engaged in any transactions since the beginning of such immediately preceding audit period which must be disclosed under Item 6(e) of Form AR; and (iii) proxies solicited by management from savings accountholders and borrowers for the election of directors (other than in connection with an annual proxy solicitation) will be voted as directed by a majority vote of such institution's entire board of directors, or of a committee of such directors if such committee's composition and authority are controlled by a majority vote of its entire board and if its authority is revocable by such a majority.

(c) *Filing requirements.* Six copies of each annual report, prepared pursuant to paragraph (a) of this section, and any notice of meeting transmitted to voting members pursuant thereto, shall be publicly filed with the Board concurrently with or prior to transmission of such report or notice pursuant to paragraph (a). Three of such copies shall be mailed or delivered to the Principal Supervisory Agent and the other three to the Securities Division, Office of the General Counsel, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552. If the Board determines that the material so filed fails to comply in any material respect with the requirements of Form AR, the Board may require such material for three years thereafter to be filed with the Board and authorized for use prior to being transmitted to voting members.

(d) *Annual disclosure requirements for institutions under $15 million in assets.* An insured institution which is not exempt from paragraph (a) by paragraph (b)(2), and which has less than $15,000,000 in assets as of the end of any audit period (beginning with the audit period immediately preceding its 1978 annual meeting), shall prepare an annual report meeting the requirements of Form AR with respect to each such audit period as to which such institution does not conform with paragraph (b)(3). Six copies of each annual report required by the preceding sentence shall be publicly filed with the Board at least 20 days prior to the annual meeting following the audit period as to which such report was prepared. Three of such copies shall be mailed or delivered to the Principal Supervisory Agent and the other three to the Securities Division, Office of the General Counsel, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552. If the Board determines that an annual report prepared by an insured institution pursuant to this paragraph (d) reveals practices or events during the audit period covered by such report which, if continued, the Board believes should be disclosed to persons having voting rights in such institution, then the Board may require such institution to comply with the requirements of paragraph (a) in connection with the annual report for its next audit period if such a report is required by this paragraph (d). If an annual report prepared pursuant to this paragraph (d) reveals information of the type described in the immediately preceding sentence, the Board will notify the institution in writing within 60 days of the filing of such report with the Board that such institution must submit its annual report (if any) for its next audit period to the Board for a determination as to whether such institution must comply with the requirements of paragraph (a) in connection with such report.

(e) *Disclosure not a restriction on Board's general authority.* Disclosure under this section does not restrict the Board's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

(f) *Additional scope of "affiliated person."* As used in § 563.45 and in Form AR, the term "affiliated person" includes any person who has been nominated to be a director of the insured institution as if such person had been a director since the beginning of the institution's last audit period.

FORM AR (ANNUAL REPORT FORM)

GENERAL INSTRUCTIONS

Each annual report required under § 563.45 shall, to the extent applicable, include the information called for under each of the items below. In preparation of the annual report, particular attention should be given to the definitions in Part 561 of this chapter.

This form is not to be used as a blank form to be filled in, nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that the insured institution deems appropriate may be included.

INFORMATION REQUIRED IN STATEMENT

Item 1—*Nominees and Directors.* (a) Furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) State the name and age of each such person, the nature of any immediate family relationship between him and other directors, nominees and officers, when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the institution presently held by him, and indicate which persons are nominees for election as directors at the meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last five years, unless he is now a director and was elected to his present term of office at an annual meeting with respect to which an annual report meeting the requirements of Form AR was furnished.

(3) If he is or has previously been a director of the institution, state the period or periods during which he has served as such.

(4) In the case of a stock institution, state, as of the most recent practicable date, the approximate amount of each class of equity securities (other than directors' qualifying shares) of the institution, or any parent company or subsidiary thereof, beneficially owned by him, either directly or indirectly. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the institution acting solely in those capacities, name such other person or persons and describe briefly such arrangement or understanding.

(c) State whether the composition of the institution's board of directors will be in compliance with the guidelines set forth in § 563.33(a), and if not, the extent to which the composition of such board will not comply with such guidelines.

Item 2—*Officers.* List the names and ages of all officers of such institution and all persons chosen to become officers; state the nature of any immediate family relationship between them; indicate all positions and offices with the institution held by each such person; if such person has served as an officer of the institution for less than five years, state the period during which he has served as an officer; and if such person is employed pursuant to an employment contract, states the period of such contract and whether it may be terminated for cause by the institution.

Item 3—*Voting rights.* Describe the voting rights of each class of persons having voting rights (e.g., accountholders, borrowers and/or stockholders) and the approximate number of votes to which each such class of persons is entitled; state the date as of which the record of voting members entitled to vote at the meeting will be determined; and in the case of a stock institution, describe any cumulative voting rights.

Item 4—*Proxies and revocability thereof.* State the method by which proxies are solicited by management for the election of directors (e.g., by annual solicitation or by having savings accountholders sign a proxy of indefinite duration in conjunction with opening their accounts). Also, state the names of the persons, and their positions and offices with the institution, holding these proxies, and whether the persons giving these proxies have the power to revoke them. If the right of revocation before these proxies are exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 5—*Change in control.* (a) Name each controlling person of the institution and include the number of proxies held by such person and, in the case of a stock institution, the number of voting shares of stock or other voting securities owned, controlled, or held with power to vote by such person.

(b) Describe any change in controlling persons of the institution which has occurred since the beginning of its last audit period.

(c) Describe any contractual arrangements, known to the institution, including any pledge of voting securities of the institution or any parent company thereof, the operation of the terms of which may at a subsequent date result in a change of control of the institution.

Item 6—*Remuneration and other transactions with Management and others.*—(a) *Direct remuneration.* Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the institution and its subsidiaries during the institution's latest

audit period to the following persons for services in all capacities:

(1) Each director of the institution whose aggregate direct remuneration exceeded $40,000, and each of the three highest paid officers of the institution whose aggregate direct remuneration exceeded that amount, naming each director and officer.

(2) All directors and officers of the institution as a group without naming them, but stating the number of persons included.

Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate direct remuneration
(A)	(B)	(C)

Instructions. 1. This item applies to any person who was a director or officer of the institution at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the institution so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see paragraph (e) below.

(b) *Annuities, pensions, and retirement benefits.* Furnish the following information, in substantially the tabular form indicated, as to all annuity, pension, or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the institution or any subsidiary thereof to each director or officer named in answer to paragraph (a)(1) and to all directors and officers of the institution who are eligible for such benefits, as a group, stating the number of persons in the group without naming them:

Name of individual or number of persons in group	Amount set aside or accrued during institution's last audit period	Estimated annual benefits upon retirement
(A)	(B)	(C)

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

3. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

4. In the case of any plan (other than those specified in Instruction 2) where the amount set aside each year depends upon the amount of earnings or profits of the institution or its subsidiaries for such period or a prior period (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the institution's contribution, and the amount set aside or accrued during the institution's last audit period for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) *Other remuneration.* Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b)) proposed to be made in the future, directly or indirectly, by the institution or any subsidiary thereof pursuant to any existing plan or arrangement to (1) each director or officer named in answer to paragraph (a)(1), naming each such person, and (2) all directors and officers of the institution as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) *Loans.* State as to each affiliated person of the institution who was indebted to the institution or any subsidiary thereof at any time since the beginning of the last audit period of the institution, (1) the largest aggregate amount of indebtedness outstanding at any time during such period, (2) the nature of the indebtedness and of the transaction in which it was incurred, (3) the amount thereof outstanding as of the latest practicable date, and (4) the rate of interest paid or charged thereon.

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. Disclosure under this Item 6(d) shall not be required where the transaction consists of a loan by the institution or subsidiary that (i) is of the type covered by an exception in § 563.43(b), and (ii) is made on substantially the same terms, including interest rate and collateral, as those prevailing at the time for comparable transactions with other than affiliated persons. In the case of a loan made to an officer who is not a director or controlling person of the institution, disclosure of the loan transaction need not be made under this Item 6(d) if (i) disclosure would not have been required under the preceding sentence except that the interest rate being paid is less than the rate for comparable loans to other than affiliated persons at the time the loan was made, and (ii) the aggregate principal balance of all loans at less than such comparable interest rates to such officers as a group outstanding at the end of the last audit period of the institution is stated, together with a brief description of the policy of the institution or subsidiary in making such loans.

(e) *Transactions where certain persons have a material interest.* Describe briefly any transactions since the beginning of the last audit period, and any presently proposed transactions, to which the institution or any of its subsidiaries was or is to be a party, in which any affiliated person of the institution had or is to have a direct or indirect material interest, naming such person and stating his relationship to the institution, the nature of his interest in the transaction and, where practicable, the amount of such interest.

Instructions. 1. This item applies to any person who was an affiliated person of the institution at any time during the period specified. However, information need not be given for any portion of the period during which such person was not an affiliated person.

2. In connection with a loan transaction to which the institution or a subsidiary thereof is a party, an affiliated person of the institution acting as attorney or appraiser for the institution or subsidiary, or as escrow agent, builder or real estate agent/broker, will be deemed to have a direct or indirect interest in such loan transaction, unless such person acts in such capacity or capacities as a full time salaried officer or employee of the institution or subsidiary without additional or separate compensation for individual loan transactions. An affiliated person acting as an insurance agent/broker or underwriter, supplier of title examination or abstract services, or building materials supplier will be deemed to have a direct or indirect interest in such loan transaction if the affiliated person was selected by, or on the basis of a referral from, the institution or subsidiary. An affiliated person acting as a building materials supplier will be deemed to have a direct or indirect interest in such loan transaction if the institution or subsidiary had knowledge that such person would act in such capacity at the time the loan commitment was made. In determining whether the interest of the affiliated person in such loan transaction is material, all payments made during an audit period of the institution to the affiliated person for acting in one or more of the foregoing capacities shall be aggregated for purposes of the $40,000 computation under Instruction 4(c).

3. A person will be deemed to have a direct or indirect material interest in a loan transaction to which the institution or a subsidiary thereof was or is to be a party if the loan is to finance the purchase of real property from such person.

4. No information need be given in answer to this item as to any transaction where—

(a) The rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services at rates or charges fixed in comformity with law or governmental authority; but information shall be given notwithstanding approval of the transaction by the Board, its Principal Supervisory Agent, or other governmental authority;

(b) The transaction involves services as a transfer agent, registrar, trustee under a corporate trust indenture, or similar services; but information shall be given as to transactions involving services as a bank depository if the amount of the deposits of the institution and its subsidiaries averaged on a monthly basis $40,000 or more during the last audit period of the institution;

(c) The amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000;

(d) The interest of the affiliated person arises solely from ownership of securities of the institution and the affiliated person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class; or

(e) The transaction consists of indebtedness to the institution or subsidiary disclosed under Item 6(d) or exempt from disclosure under Instruction 2 to Item 6(d).

5. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the institution or a subsidiary thereof may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material in-

direct interest in a transaction within the meaning of this Item where—

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from direct or indirect ownership by such person and all other persons specified in subparagraphs (1) and (2) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in subparagraphs (1) and (2) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest, but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the institution or any subsidiary thereof and the transaction is not material to such other person.

6. The amount of the interest of any specified person shall be computed without regard to the amount of profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

7. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering this Item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of an affiliated person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this Item.

8. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the institution where any of the affiliated persons were or are to be a principal underwriter or is a controlling person or a member of a firm that was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the institution or any subsidiary thereof.

(f) *Options to purchase securities.* In the case of stock institutions, furnish the following information as to all options to purchase securities, from the institution or any parent company or subsidiary thereof, which were granted to or exercised by the following persons since the beginning of the institution's last audit period and as to all options held by such persons as of the latest practicable date: (i) each director or officer named in answer to paragraph (a)(1) of this Item, naming each such person; and (ii) all directors and officers of the institution as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the average option price per share; and (iii) the per share market price of the securities subject to the option, as of the latest practicable date.

Instructions. 1. The term "options" as used in this paragraph (f) includes all options, warrants, or rights, other than those issued to security holders as such on a pro rata basis. Where the average option price per share is called for, the weighted average price per share shall be given.

2. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

3. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified; (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified; or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1) of this Item, or $40,000 for all officers and directors as a group.

(g) *Transactions involving certain pension, retirement, savings and other similar plans.* Describe briefly any transactions since the beginning of the institution's last audit period or any presently proposed transaction, to which any pension, retirement, savings, or similar plan provided by the institution or any parent company or subsidiary thereof, was or is to be a party, in which any affiliated person of the institution had or is to have a direct or indirect material interest, naming such person and stating his relation to the institution, the nature of his interest in the transaction, and, where practicable, the amount of such interest.

Instructions. 1. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

2. No information need be given in answer to paragraph (g) with respect to—

(a) payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) payments of remuneration for services not in excess of five percent of the aggregate remuneration received by the affiliated person during the institution's last audit period from the institution and its subsidiaries.

Item 7—*Brief description of business.* Furnish a brief description of the business done by the institution and its subsidiaries during the institution's most recent audit period, including information concerning any material developments during such period.

Item 8—*Financial statements.* Furnish a statement of financial condition of the institution as of the end of its last two audit periods and related statements of income, retained earnings and changes in financial position for such periods. Such financial statements shall be certified by independent public accountants (except as otherwise provided in § 563.17–1), and accompanied by the accountants' report. Such financial statements may be presented on a consolidated basis with subsidiaries of the institution. If the institution's audit period ends more than 120 days before its annual meeting, financial statements of the type described above shall also be furnished on an unaudited basis as of a date and for the related period ending within 120 days of its annual meeting.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 172 F.R. 4891, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76–24610 Filed 8–20–76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 569]

[No. 76-589]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Solicitation of Proxies

SUMMARY

AUGUST 18, 1976.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the proposal.

I. *Existing regulations.* None.

II. *Proposed regulations.* A. Would prohibit the management of an insured institution required by § 563.45(a) to prepare an annual report from voting proxies not solicited in connection with providing the report (or a notice of meeting). Section 563.45(a) applies to institutions with assets of $15 million or more which do not choose to meet certain standards, and is not effective until an institution's 1978 annual meeting.

B. Would provide that the Board may prohibit the management of certain insured institutions required by § 563.45 (d) to prepare an annual report from voting proxies not solicited in connection with providing the report (or a notice of meeting). Section 563.45(d) applies to institutions with assets less than $15 million which do not choose to meet certain standards, and does not become effective until an institution's 1978 annual meeting.

C. Would expressly authorize the management of an insured institution not required by §§ 563.45 (a) or (d) to prepare an annual report in connection with an annual meeting to vote any proxy held by management which had not been revoked or superseded and was not invalid by its terms.

D. Would make clear that a person who does not respond to a proxy solicitation pursuant to this section shall not be deemed to have thereby revoked an outstanding proxy for purposes of a subsequent annual meeting for which no proxy solicitation is required.

III. *Reason for proposal.* To bring insured institutions into conformity with the general practice of most other types of business corporations, which customarily solicit proxies from their owners on an annual basis and provide such owners with certain information in connection with such annual solicitations.

The Federal Home Loan Bank Board considers it desirable to propose to amend Part 569 of the rules and regulations for Insurance of Accounts (12 CFR Part 569) by adding a new § 569.5 thereto, captioned "Solicitation of proxies." In general, the effect of proposed § 569.5 would be to require an insured institution to solicit proxies in connection with any annual meeting as to which it must (1) prepare an annual report, and (2) furnish either the report or a notice of the annual meeting to persons having voting rights in the institution. Proposed § 569.5 is closely tied to § 563.45, "Disclosure," and this preamble therefore briefly reviews the provisions of § 563.45 in connection with explaining this proposal.

Section 563.45(a), "Annual disclosure requirements," requires insured institutions to send their voting members: (1) a copy of the annual report for the audit period preceding the meeting, or (2) a notice of such meeting which clearly states that a copy of the report is available on request. Section 563.45 does not take effect until an institution's 1978 annual meeting, and no disclosure is required to persons having only one vote in the institution (e.g. borrowers from a Federal association) unless specifically requested.

Section 563.45(b) excepts three types of institutions from the requirements of § 563.45(a). First, § 563.45(b)(1) excepts institutions having less than $15,000,000 in assets. (But see the discussion of § 563.45(d), below.) Second, § 563.45(b)(2) excepts stock institutions already subject to proxy solicitation requirements under § 563d.1 (12 CFR Part 563d)—i.e., institutions which are registered under the Securities and Exchange Act of 1934. Third, § 563.45(b)(3) excepts any institution which meets the following three standards: (1) The composition of its board of directors conforms to the guidelines in § 563.33(a) (12 CFR Part 563), (2) during the institution's most recent audit period, no affiliated persons thereof engaged in transactions which would have to be disclosed under Item 6(e) of the annual report form (Form AR), and (3) management-held proxies not acquired in connection with an annual proxy solicitation are voted as directed by a majority vote of the institution's entire board or by a committee of such directors controlled by such a majority.

Proposed new § 569.5(a), "Solicitation by institutions preparing annual reports under § 563.45(a)," would provide that no proxies held by directors or officers of an institution required to transmit an annual report or notice of meeting to its members pursuant to § 563.45(a) could be voted at the annual meeting in connection with which the report or notice was transmitted unless such proxies were solicited from persons concurrently or previously furnished with the report or notice. Copies of the form of proxy solicited by an insured institution pursuant to § 569.5(a) would have to be filed with the Board in accordance with § 563.45(c). The Board expects that compliance with this requirement would typically take the form of enclosing an unsigned proxy with the annual report or notice of annual meeting. If done in this fashion, the Board does not believe compliance with § 569.5(a) would result in significant additional costs to insured institutions.

Section 563.45(d), "Annual disclosure requirements for institutions under $15 million in assets," requires insured institutions with less than $15 million in assets to file with the Board, shortly in advance of each annual meeting, an annual report for the audit period preceding the meeting which compiles with the requirements of Form AR. However, no institution need prepare such a report for an audit period as to which such institution meets the standards set forth in § 563.45(b)(3)—i.e. the standards on board composition, transactions with affiliated persons, and voting of management-held proxies. As with § 563.45(a), § 563.45(d) does not take effect until an institution's 1978 annual meeting.

As discussed in the preceding paragraph, insured institutions which must prepare an annual report pursuant to § 563.45(d) normally need only file such report with the Board—i.e. neither the report nor a notice of the upcoming annual meeting need be transmitted to persons having voting rights in the institution. However, § 563.45(d) makes clear that the Board will examine all annual reports required by that section. In the course of these examinations, the Board may determine that an institution's annual report reveals information as to practices or events which, if continued, should be disclosed to persons having voting rights in that institution. If such a situation occurs, the Board may require the institution to comply with § 563.45(a) in connection with the annual report for its next audit period—i.e. the institution would have to transmit the annual report for its next audit period to persons having voting rights in the institution, or else send such persons a notice of the meeting clearly stating that the report was available on request. As in § 563.45(a), this information would not have to be sent to persons having only one vote unless specifically requested.

Proposed § 569.5(b), "Solicitation by certain institutions preparing annual reports under § 563.45(d)," would provide that the Board may apply § 569.5(a) to an institution (1) which is required to file an annual report with the Board pursuant to § 563.45(d), and (2) which the Board has directed to comply with the requirements of § 563.45(a) in connection with such report (i.e. transmit the report or notice of annual meeting to persons with voting rights). In other words, the Board may prohibit proxies held by directors and officers of such an institution from being voted at an annual meeting in connection with which the institution must prepare an annual report and transmit the report (or notice of meeting) to persons having voting rights, unless such proxies were solicited in connection with transmitting this material. Hence, § 569.5(b) would be invoked by the Board only on a case-by-case basis.

Proposed § 569.5(c), "Solicitation not required for institutions excepted from annual report requirements in §§ 563.45(a) and (d)," would provide that directors and officers of an institution may vote any proxy held by them at any annual meeting in connection with which the institution is not required to transmit an annual report or notice of meeting to persons having voting rights in such institution. Of course, proposed § 569.5(c) would not authorize

the voting of any proxy which had been revoked or superseded, or which was invalid by its terms. Proposed § 569.5(c) would also make clear that a person who does not respond to a proxy solicitation made pursuant to § 569.5 shall not be deemed to have thereby revoked an outstanding proxy for purposes of an annual meeting as to which no proxy solicitation is required by § 569.5.

The authority for the proposed proxy solicitation is section 407(1)(5) of the National Housing Act, as amended, 12 U.S.C. 1730(1)(5), which provides that the Board, as operating head of the Federal Savings and Loan Insurance Corporation, "may prescribe, such periodic or other reports and disclosures, including proxy statements and the solicitation of proxies thereby, as the * * * (Board) may determine to be necessary or appropriate for the protection of investors or the (Federal Savings and Loan Insurance) Corporation".

The purpose of the proposal is to enhance the ability of persons with voting rights in insured institutions to exercise those rights meaningfully in situations where management has engaged in the types of transactions which must be disclosed in an annual report under § 563.45 or elects not to follow the Board's guidelines respecting composition of the institution's board of directors. Because of the inherent potential of such situations for possible abuse detrimental to insured institutions, the Board believes that where such transactions or nonconforming boards occur or exist, and are required to be disclosed under § 563.45, management should be permitted to vote only proxies given in the light of such disclosure, so that persons giving such proxies may exercise oversight of management in this area and thereby serve as an additional "check" upon such possible abuse.

To place the proposal in proper prospective, the Board believes an additional point should be made. While member and outside stockholder oversight of an insured institution's management, under the circumstances described above, is desirable, and will hopefully prove beneficial, an even better "check" on management is management itself. Thus, the Board believes very strongly that first-line responsibility for safe and proper functioning of an insured institution lies with its officers and directors. In keeping with this philosophy, it should be emphasized that the proxy solicitations provided for by this proposal are optional in the sense that institutions which choose to comply with the standards set forth in § 563.45(b)(3) (and therefore do not have to prepare annual reports) do not have to solicit proxies. The Board believes that an institution which complies with these standards is very likely to be a well-run institution not in need of additional oversight. However, the Board recognizes that not all insured institutions will elect to follow such standards, and the annual report/proxy solicitation alternative provided by §§ 563.45 and 569.5 is intended to provide a reasonable amount of flexibility for insured institutions consistent with the Board's statutory responsibility to adopt regulations and take other actions to ensure safe and sound functioning of such institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 569 by adding a new § 569.5 thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by October 8, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

§ 569.5 Solicitation of proxies.

(a) *Solicitation by institutions preparing annual reports under § 563.45(a).* If an insured institution is required by § 563.45(a) to transmit an annual report (or notice of annual meeting in lieu thereof) to persons having at least two votes in such institution, no proxies held by directors or officers of such institution may be voted at the annual meeting in connection with which such report or notice is transmitted unless such proxies were solicited from persons concurrently or previously furnished with such report or notice. Copies of the form of proxy so solicited shall be publicly filed with the Board concurrently with the annual report, as provided in § 563.45(c). This paragraph (a) does not apply to an institution which prepares an annual report pursuant to § 563.45(d), except as provided in paragraph (b) of this section.

(b) *Solicitation by certain institutions preparing annual reports under § 563.45(d).* If an insured institution is required by § 563.45(d) to file an annual report with the Board, and if the Board has determined pursuant thereto that such institution must comply with the requirements of § 563.45(a) in connection with such report, then the Board may also determine to apply paragraph (a) of this section to such institution, and in such event will so notify such institution in the notice provided for in § 563.45(d).

(c) *Solicitation not required for institutions excepted from annual report requirements in §§ 563.45(a) and (d).* In connection with any annual meeting as to which an insured institution is not required by §§ 563.45(a) or (d) to transmit an annual report (or notice of annual meeting in lieu thereof) to persons having at least two votes in such institution, the directors and officers of such institution may vote (in accordance with § 563.45(b)(3)(iii)) any proxy held by them which has not been revoked or superseded and which is not invalid by its terms. A person having voting rights in an insured institution who does not respond to a proxy solicitation made pursuant to paragraphs (a) or (b) of this section shall not be deemed to have thereby revoked an outstanding proxy for purposes of an annual meeting of the type described in the immediately preceding sentence.

(Sec. 407, 48 Stat. 1260, as amended; (12 U.S.C. 1730). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-24612 Filed 8-20-76;8:45 am]

federal register

TUESDAY, AUGUST 24, 1976



PART III:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

Availability

FEDERAL ELECTION COMMISSION

[Notice 1976–40, AOR 1976–59 through 1976–70]

ADVISORY OPINION REQUESTS

Availability

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's notice of proposed rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976–59 through 1976–70 have been made public at the Commission. Copies of AOR 1976–59 and AOR 1976–69 were made available on August 4, 1976; AOR 1976–61 through 1976–64 were made available on August 9, 1976; AOR 1976–65 through 1976–67 were made available on August 10, 1976; AOR 1976–68 and AOR 1976–69 were made available on August 11, 1976; and AOR 1976–70 was made available on August 12, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW, Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976–59: What limitations, if any, exist with respect to the amount of an honorarium or of travel or incidental expenses paid to a candidate who is not a Federal officeholder; what limitations, if any, exist with respect to travel and incidental expenses paid to a candidate who is a Federal officeholder. (Requested by Jack P. Jefferies of Lord, Day & Lord for American Hotel & Motel Association Political Action Committee, New York, New York.)

AOR 1976–60: Whether a candidate who makes a loan to his personal primary campaign fund may transfer the unpaid loan balances to his campaign committee organized to run the general election campaign. (Requested by Robert L. Tammaro, Treasurer, Joseph S. Indyk Congressional Campaign Committee, Princeton, New Jersey.)

AOR 1976–61: Whether excess campaign funds may be used by a Member to pay for attorneys fees incurred in defending in a civil action. (Requested by Congressman John G. Fary, U.S. House of Representatives.)

AOR 1976–62: Whether and under what circumstances a concert fundraising effort may utilize a commercial ticket outlet which is not able to record names and addresses of ticket purchasers." (Requested by Casey N. Kaplan, Ramsey Clark/Senate '76, New York, New York.)

AOR 1976–63: Whether the American Hotel & Motel Association Political Action Committee (AHMPAC) may accept the representation of member corporations that the AHMPAC solicitation is the only one made or that the solicitation of employees is either the first or second of the year. (Requested by Gerald M. Tierney, Jr., of Lord, Day & Lord for the American Hotel & Motel Association Political Action Committee, New York, New York.)

AOR 1976–64: Whether the Friends of Hamilton Fish, Jr., Committee may provide Congressman Fish with a vehicle to be used in connection wtih his office duties. (Requested by Peter G. Pellegrini, Treasurer, Friends of Hamilton Fish, Jr., Poughkeepsie, New York.)

AOR 1976–65: Whether a county-level party which publishes a party newspaper may accept corporate advertising; whether reporting obligations exist. (Requested by Joseph G. Schiff, County Chairman, The Republican Party of Louisville and Jefferson County, Louisville, Kentucky.)

AOR 1976–66: Whether an owner of corporate real estate may permit the erection of political yardsigns for one candidate to the exclusion of the opposition; whether an automobile owned or leased by a corporation may display political bumper stickers of one candidate to the exclusion of the opposition. (Requested by Carla Moore, Campaign Coordinator, Martha Keys for Congress, Topeka, Kansas.)

AOR 1976–67: Whether the establishment and proposed program of the Consolidated Edison Political Action Committee complies with the Act. (Requested by Robert O. Lenrman, Chairman, Consolidated Edison Political Action Committee, New York, New York.)

AOR 1976–68: Whether payment of a deceased candidate's debts by the deceased candidate's father is a contribution. (Requested by Robert Thomson, Counsel to Missourians for Litton, Washington, D.C.)

AOR 1976–69: Whether a telephone corporation may include in its bill inserts nonpartisan voter information if requested to do so by the League of Women Voters of Alabama. (Requested by Connie Fortune, Voters Service Chairman, League of Women Voters Education Fund, Washington, D.C.)

AOR 1976–70: Whether a professional corporation may pay an individual who is a candidate personal benefits or a paid leave of absence if the individual is on leave from the firm. (Requested by Jan Baran, Counsel, National Republican Congressional Committee, Washington, D.C.)

Dated: August 17, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76–24640 Filed 8–23–76;8:45 am]

federal register

TUESDAY, AUGUST 24, 1976



PART IV:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, UNITED STATES SECTION

■

PRIVACY ACT OF 1974

Systems of Records

STANDARD FLOOD INSURANCE POLICY

(Issued Pursuant to the National Flood Insurance Act of 1968, or Any Acts Amendatory Thereof)

INSURANCE COMPANIES MEMBERS OF
NATIONAL FLOOD INSURERS ASSOCIATION
NEW YORK, N. Y.
(HEREIN CALLED THE COMPANY)

APPENDIX A
(1)

DWELLING BUILDING AND CONTENTS

IN CONSIDERATION OF THE PAYMENT OF THE PREMIUM, IN RELIANCE UPON THE STATEMENTS IN THE APPLICATION AND DECLARATIONS FORM MADE A PART HEREOF AND SUBJECT TO ALL THE TERMS OF THIS POLICY, THE COMPANY DOES INSURE the Insured named and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all **DIRECT LOSS BY "FLOOD"** as defined herein, to the property described while located or contained as described in the application and declarations form attached hereto, or pro rata for 30 days at each proper place to which any of the property shall necessarily be removed for preservation from the peril of "Flood", but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this Company.

DEFINITION OF "FLOOD"

Wherever in this policy the term "flood" occurs, it shall be held to mean

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A-1 above.

PERILS EXCLUDED

This Company shall not be liable for loss:

A. By (1) rain, snow, sleet, hail or water spray; (2) freezing, thawing or by the pressure or weight of ice or water, except where the property covered has been simultaneously damaged by flood; or (3) water, moisture or mudslide damage of any kind resulting primarily from conditions, causes or occurrences which are solely related to the described premises or are within the control of the Insured (including but not limited to design, structural or mechanical defects, failures, stoppages or breakages of water or sewer lines, drains, pumps, fixtures or equipment, seepage or backup of water, or hydrostatic pressure) or any condition which causes flooding which is substantially confined to the described premises or properties immediately adjacent thereto;

B. Caused directly or indirectly by (1) hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual, impending or expected attack, (a) by any government or sovereign power (de jure or de facto), or by any authority maintaining or using military, naval or air forces, or (b) by military, naval or air forces, or (c) by an agent of any such government, power, authority or forces, it being understood that any discharge, explosion or use of any weapon of war employing nuclear fission or fusion shall be conclusively presumed to be such a hostile or warlike action by such a government, power, authority or forces; (2) insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority in hindering, combating or defending against such an occurrence;

C. By nuclear reaction or nuclear radiation or radioactive contamination, all whether controlled or uncontrolled, or due to any act or condition incident to any of the foregoing, whether such loss be direct or indirect, proximate or remote, or be in whole or in part caused by, contributed to, or aggravated by the peril insured against by this policy;

D. By theft or by fire, windstorm, explosion, earthquake, landslide or any other earth movement except such mudslide or erosion as is covered under the peril of flood;

E. Caused by or resulting from power, heating or cooling failure, unless such failure results from physical damage to power, heating or cooling equipment situated on premises where the property covered is located, caused by the peril insured against;

F. Occasioned directly or indirectly by enforcement of any local or state ordinance or law regulating the construction, repair or demolition of building(s) or structure(s);

G. Caused directly or indirectly by neglect of the Insured to use all reasonable means to save and preserve the property at the time of and after an occurrence of the peril insured against by this policy.

PROPERTY COVERED

A. Dwelling: The term "dwelling" shall mean a residential building designed for the occupancy of from 1 to 4 families and occupied principally for dwelling purposes by the number of families stated herein.

When the insurance under this policy covers a dwelling, such insurance shall include additions in contact therewith; also, if the property of the owner of the described dwelling and when not otherwise covered, building equipment, fixtures and outdoor equipment, all pertaining to the service of the described premises and while within an enclosed structure located on the described premises; also, materials and supplies while within an enclosed structure located on the described premises or adjacent thereto, intended for use in construction, alteration or repair of such dwelling or appurtenant private structures on the described premises.

The Insured may apply up to 10% of the amount of insurance applicable to the dwelling covered under this policy, not as an additional amount of insurance, to cover loss to appurtenant private structures (other than the described dwelling and additions in contact therewith) located on the described premises. This extension of coverage shall not apply to structures (other than structures used exclusively for private garage purposes) which are rented or leased in whole or in part, or held for such rental or lease, to other than a tenant of the described dwelling, or which are used in whole or in part for commercial, manufacturing or farming purposes.

B. Contents: When the insurance under this policy covers contents, such insurance shall cover all household and personal property usual or incidental to the occupancy of the premises as a dwelling—except other property not covered under the provisions of this policy, and any property more specifically covered in whole or in part by other insurance including the peril insured against in this policy; belonging to the Insured or members of the Insured's family of the same household, or for which the Insured may be liable, or, at the option of the Insured, belonging to a servant or guest of the Insured; all while within an enclosed structure located on the described premises.

The Insured may apply up to 10% of the amount of insurance applicable to the contents covered under this policy, not as an additional amount of insurance, as follows:

(a) If not the owner of the described premises, to cover loss to improvement, alterations, and additions to the described dwelling and appurtenant enclosed private structures as described above.

(b) If an individual condominium unit owner of the described premises, to cover loss to the interior walls, floors, and ceilings that are not otherwise covered under a condominium association policy on the described dwelling and appurtenant enclosed private structures as described above.

NFIA-1 (Ed. 7-74)

ATTACH APPLICATION AND DECLARATIONS FORM HERE

APPENDIX A
(1) DWELLING BUILDING AND CONTENTS

This Company shall not be liable for loss in any one occurrence for more than:

1. $500.00 in the aggregate on paintings, etchings, pictures, tapestries, art glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass or bric-a-brac);

2. $500.00 in the aggregate on jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, articles of gold, silver or platinum and furs or any article containing fur which represents its principal value.

C. Debris Removal: This insurance covers expense incurred in the removal of debris of or on the dwelling, appurtenant enclosed private structures or contents covered hereunder, which may be occasioned by loss caused by the peril insured against in this policy.

The total liability under this policy for both loss to property and debris removal expense shall not exceed the amount of insurance applying under this policy to the property covered.

PROPERTY NOT COVERED

This policy shall not cover:

A. Accounts, bills, currency, deeds, evidences of debt, money, securities, bullion, manuscripts or other valuable papers or records, numismatic or philatelic property.

B. Fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water; or personal property in the open.

C. Land values; lawn, trees, shrubs or plants, growing crops, or livestock; underground structures or underground equipment, and those portions of walks, driveways and other paved surfaces outside the foundation walls of the structure.

D. Animals, birds, fish, aircraft, motor vehicles (other than motorized equipment pertaining to the service of the premises and not licensed for highway use), trailers on wheels, watercraft including their furnishings and equipment; or business property.

DEDUCTIBLES

A. With respect to loss to the dwelling, appurtenant enclosed private structures or debris removal covered hereunder, this Company shall be liable for only the amount of loss in any one occurrence which is in excess of (a) $200. or (b) 2% of the amount of loss to the dwelling, whichever is the greater.

B. With respect to loss to contents or debris removal covered hereunder, this Company shall be liable for only the amount of loss in any one occurrence which is in excess of (a) $200. or (b) 2% of the amount of loss to the contents, whichever is the greater.

REPLACEMENT COST PROVISIONS

With respect only to a Single Family Dwelling Structure covered hereunder, the term "actual cash value" shall mean replacement cost, subject to following provisions. Outdoor radio and television antennas and aerials, carpeting, awnings, domestic appliances and outdoor equipment, all whether attached to the building structure or not, are excluded from these provisions.

A. If at the time of loss the whole amount of insurance applicable to said building structure is 80% or more of the full replacement cost of such building structure, or is the maximum amount of insurance available under the National Flood Insurance Program, the coverage of this policy applicable to such building structure is extended to include the full cost of repair or replacement (without deduction for depreciation).

B. If at the time of loss the whole amount of insurance applicable to said building structure is less than 80% of the full replacement cost of such building structure and less than the maximum amount of insurance available under the National Flood Insurance Program, this Company's liability for loss under this policy shall not exceed the larger of the following amounts:

1. the actual cash value of that part of the building structure damaged or destroyed; or

2. (a) that proportion of the full cost of repair or replacement without deduction for depreciation of that part of the building structure damaged or destroyed, which the whole amount of insurance applicable to said building structure bears to 80% of the full replacement cost of such building structure; or

   (b) the maximum amount of insurance available under the National Flood Insurance Program,

   whichever is larger.

C. This Company's liability for loss under this policy shall not exceed the smallest of the following amounts:

1. the limit of liability of this policy applicable to the damaged or destroyed building structure;

2. the replacement cost of the building structure of any part thereof identical with such building structure on the same premises and intended for the same occupancy and use; or

3. the amount actually and necessarily expended in repairing or replacing said building structure or any part thereof intended for the same occupancy and use.

D. When the full cost of repair or replacement is more than $1,000 or more than 5% of the whole amount of insurance applicable to said building structure, this Company shall not be liable for any loss under paragraph A or subparagraph 2 of paragraph B of these provisions unless and until actual repair or replacement is completed.

E. In determining if the whole amount of insurance applicable to said building structure is 80% or more of the full replacement cost of such building structure, the cost of excavations, underground flues and pipes, underground wiring and drains, and brick, stone and concrete foundations, piers and other supports which are below the under surface of the lowest basement floor, or where there is no basement, which are below the surface of the ground inside the foundation walls, shall be disregarded.

F. The Named Insured may elect to disregard this condition in making claim hereunder, but such election shall not prejudice the Named Insured's right to make further claim within 180 days after loss for any additional liability brought about by these provisions.

GENERAL CONDITIONS AND PROVISIONS

A. Pair and Set Clause—If there is loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

B. Concealment, Fraud—This entire policy shall be void if, whether before or after a loss, the Insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto.

C. Other Insurance—This Company shall not be liable for a greater proportion of any loss, less the amount of deductible, from the peril of flood than the amount of insurance under this policy bears to the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property, or which would have covered the property except for the existence of this insurance, whether collectible or not.

In the event that the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property exceeds the maximum amount of insurance permitted under the provisions of the National Flood Insurance Act of 1968, or any acts amendatory thereof, it is hereby understood and agreed that the insurance under this policy shall be limited to a proportionate share of the maximum amount of insurance permitted on such property under said Act, and that a refund of any extra premium paid, computed on a pro rata basis, shall be made by this Company upon request in writing submitted not later than 2 years after the expiration of the policy term during which such extra amount of insurance was in effect.

"Excess Insurance" as used herein shall be held to mean insurance of such part of the actual cash value of the property as is in excess of the maximum amount of insurance permitted under the said Act with respect to such property.

D. Added and Waiver Provisions—The extent of the application of insurance under this policy and of the contribution to be made by this Company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this Company relating to appraisal or to any examination provided for herein.

E. Cancellation of Policy or Reduction in Amount of Insurance—This policy may be cancelled at any time at the request of the Insured, in which case this Company shall, upon demand and surrender of this policy, refund the excess of paid premiums above the customary short rates for the expired time; provided, however, that the premium paid for the then current policy term shall be fully earned if the Insured retains an interest in the property covered at the location described in the application and declarations form.

The amount of insurance under this policy may be reduced at any time at the request of the Insured, in which case this Company shall, upon demand, refund the excess of paid premiums above the customary short rates for the expired time for the amount of the reduction; provided, however, that the premium paid for the then current policy term shall be fully earned to the extent that the Insured retains an interest in the property covered at the location described in the application and declarations form.

This policy may be cancelled by this Company for non-payment of the premium by giving to the Insured a 20-days' written notice of cancellation.

F. Conditions Suspending or Restricting Insurance—Unless otherwise provided in writing added hereto, this Company shall not be liable for loss occurring while the hazard is increased by any means within the control or knowledge of the Insured, provided, however, this insurance shall not be prejudiced by any act or neglect of any person (other than the Insured), when such act or neglect is not within the control of the Insured.

G. Alterations and Repairs—Permission is granted to make alterations, additions and repairs, and to complete structures in course of construction. In the event of loss hereunder, the Insured is permitted to make reasonable repairs, temporary or permanent, provided such repairs are confined solely to the protection of the property from further damage and provided further that the Insured shall keep an accurate record of such repair expenditures. The cost of any such repairs directly attributable to damage by the peril insured against shall be included in determining the amount of loss hereunder. Nothing herein contained is intended to modify the policy requirements applicable in case loss occurs, and in particular the requirement that in case loss occurs the Insured shall protect the property from further damage.

APPENDIX A (1) DWELLING BUILDING AND CONTENTS

H. Property of Others—Unless otherwise provided in writing added hereto, loss to any property of others covered under this policy shall be adjusted with the Insured for the account of the owners of said property, except that the right to adjust such loss with said owners is reserved to this Company. Any such insurance under this policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

I. Liberalization Clause—If during the period that insurance is in force under this policy, or within 45 days prior to the inception date thereof, on behalf of this Company there be adopted under the National Flood Insurance Act of 1968, or any acts amendatory thereof, any forms, endorsements, rules or regulations by which this policy could be extended or broadened, without additional premium charge, by endorsement or substitution of form, then such extended or broadened insurance shall inure to the benefit of the Insured hereunder as though such endorsement or substitution of form had been made.

J. Statutory Provisions—Any terms of this policy which are in conflict with the statutes of the State wherein the property is located are hereby amended to conform to such statutes, except that in cases of conflict with applicable Federal law or regulation, such Federal law or regulation shall control the terms of this policy.

K. Loss Clause—Payment of any loss under this policy shall not reduce the amount of insurance applicable to any other loss during the policy term which arises out of a separate occurrence of the peril insured against hereunder; provided, that all loss arising out of a continuous or protracted occurrence shall be deemed to constitute loss arising out of a single occurrence.

L. Mortgage Clause (Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declarations form attached to this policy.)—

Loss, if any, under this policy, shall be payable to the aforesaid as mortgagee (or trustee) as interest may appear under all present or future mortgages upon the property described in which the aforesaid may have an interest as mortgagee (or trustee), in order of precedence of said mortgages, and this insurance, as to the interest of the mortgagee (or trustee) only therein, shall not be invalidated by any act or neglect of the mortgagor or owner of the described property, nor by any foreclosure or other proceedings or notice of sale relating to the property, nor by any change in the title or ownership of the property, nor by the occupation of the premises for purposes more hazardous than are permitted by this policy; provided, that in case the mortgagor or owner shall neglect to pay any premium due under this policy, the mortgagee (or trustee) shall, on demand, pay the same.

Provided, also, that the mortgagee (or trustee) shall notify this Company of any change of ownership or occupancy or increase of hazard which shall come to the knowledge of said mortgagee (or trustee) and, unless permitted by this policy, it shall be noted thereon and the mortgagee (or trustee) shall, on demand, pay the premium for such increased hazard for the term of the use thereof; otherwise this policy shall be null and void.

If this policy is cancelled by this Company, it shall continue in force for the benefit only of the mortgagee (or trustee) for 20 days after written notice to the mortgagee (or trustee) of such cancellation and shall then cease, and this Company shall have the right, on like notice, to cancel this agreement.

Whenever this Company shall pay the mortgagee (or trustee) any sum for loss under this policy and shall claim that, as to the mortgagor or owner, no liability therefor existed, this Company shall, to the extent of such payment, be thereupon legally subrogated to all the rights of the party to whom such payment shall be made, under all securities held as collateral to the mortgage debt, or may, at its option, pay to the mortgagee (or trustee) the whole principal due or to grow due on the mortgage with interest, and shall thereupon receive a full assignment and transfer of the mortgage and of all such other securities; but no subrogation shall impair the right of the mortgagee (or trustee) to recover the full amount of said mortgagee's (or trustee's) claim.

M. Mortgagee Obligations—If the Insured fails to render proof of loss, the named mortgagee (or trustee), upon notice, shall render proof of loss in the form herein specified within 60 days thereafter and shall be subject to the provisions of this policy relating to appraisal and time of payment and of bringing suit.

N. Requirements In Case of Loss—The Insured shall give written notice, as soon as practicable, to this Company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged property and put it in the best possible order. Within 60 days after the loss, unless such time is extended in writing by this Company, the Insured shall render to this Company a proof of loss, signed and sworn to by the Insured, stating the knowledge and belief of the Insured as to the following: the time and origin of the loss, the interest of the Insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss. The Insured, at the option of this Company, may be required to furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed, and verified plans and specifications of any building, fixtures or machinery destroyed or damaged.

The Insured, as often as may be reasonably required, shall exhibit to any person designated by this Company all that remains of any property herein described, and submit to examinations under oath by any person named by this Company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this Company or its representative, and shall permit extracts and copies thereof to be made.

O. Appraisal—In case the Insured and this Company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on request of the Insured or this Company, such umpire shall be selected by a judge of a court of record in the State in which the insured property is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this Company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

P. Company's Options—It shall be optional with this Company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within 30 days after the receipt of the proof of loss herein required.

Q. Abandonment—There shall be no abandonment to this Company of any property.

R. When Loss Payable—The amount of loss for which this Company may be liable shall be payable 60 days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss is made either by agreement between the Insured and this Company expressed in writing or by the filing with this Company of an award as herein provided.

S. Action Against the Company—No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within 12 months next after the date of mailing of notice of disallowance or partial disallowance of the claim. An action on such claim against the Company may be instituted, without regard to the amount in controversy, in the United States District Court for the district in which the property shall have been situated.

T. Subrogation—In the event of any payment under this policy, this Company shall be subrogated to all of the Insured's right of recovery therefor against any party, and this Company may require from the Insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company. The Insured shall do nothing after loss to prejudice such right; however, this insurance shall not be invalidated should the Insured waive in writing prior to a loss any or all right of recovery against any party for loss occurring to the described property.

IN WITNESS WHEREOF, this Company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized representative of this Company.

W. R. Williams

Attorney-in-Fact for the Insurance Companies
Members of National Flood Insurers Association

SPECIAL PROVISIONS

A. A list of all Insurance Companies members of the National Flood Insurers Association is on file in the office of the State Insurance Department of the State where the property covered is located and a copy may be obtained upon request from the office of the National Flood Insurers Association, 160 Water Street, New York, N. Y. 10038.

B. All notices or other communications required by this policy to be given to the Company shall be given to the Servicing Company designated on the Application and Declarations Form attached to this policy, and such notice shall be considered to constitute notice to the Company.

STANDARD FLOOD INSURANCE POLICY

(Issued Pursuant to the National Flood Insurance Act of 1968, or Any Acts Amendatory Thereof)

INSURANCE COMPANIES MEMBERS OF
NATIONAL FLOOD INSURERS ASSOCIATION
NEW YORK, N. Y.
(HEREIN CALLED THE COMPANY)

APPENDIX A
(2) GENERAL PROPERTY

GENERAL PROPERTY

IN CONSIDERATION OF THE PAYMENT OF THE PREMIUM, IN RELIANCE UPON THE STATEMENTS IN THE APPLICATION AND DECLARATIONS FORM MADE A PART HEREOF AND SUBJECT TO ALL THE TERMS OF THIS POLICY, THE COMPANY DOES INSURE the Insured named and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all **DIRECT LOSS BY "FLOOD"** as defined herein, to the property described while located or contained as described in the application and declarations form attached hereto, or pro rata for 30 days at each proper place to which any of the property shall necessarily be removed for preservation from the peril of "Flood", but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this Company.

DEFINITION OF "FLOOD"

Wherever in this policy the term "flood" occurs, it shall be held to mean

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A-1 above.

PERILS EXCLUDED

This Company shall not be liable for loss:

A. By (1) rain, snow, sleet, hail or water spray; (2) freezing, thawing or by the pressure or weight of ice or water, except where the property covered has been simultaneously damaged by flood; or (3) water, moisture or mudslide damage of any kind resulting primarily from conditions, causes or occurrences which are solely related to the described premises or are within the control of the Insured (including but not limited to design, structural or mechanical defects, failures, stoppages or breakages of water or sewer lines, drains, pumps, fixtures or equipment, seepage or backup of water, or hydrostatic pressure) or any condition which causes flooding which is substantially confined to the described premises or properties immediately adjacent thereto;

B. Caused directly or indirectly by (1) hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual, impending or expected attack, (a) by any government or sovereign power (de jure or de facto), or by any authority maintaining or using military, naval or air forces, or (b) by military, naval or air forces, or (c) by an agent of any such government, power, authority or forces, it being understood that any discharge, explosion or use of any weapon of war employing nuclear fission or fusion shall be conclusively presumed to be such a hostile or warlike action by such a government, power, authority or forces; (2) insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority in hindering, combating or defending against such an occurrence;

C. By nuclear reaction or nuclear radiation or radioactive contamination, all whether controlled or uncontrolled, or due to any act or condition incident to any of the foregoing, whether such loss be direct or indirect, proximate or remote, or be in whole or in part caused by, contributed to, or aggravated by the peril insured against by this policy;

D. By theft or by fire, windstorm, explosion, earthquake, landslide or any other earth movement except such mudslide or erosion as is covered under the peril of flood;

E. Caused by or resulting from power, heating or cooling failure, unless such failure results from physical damage to power, heating or cooling equipment situated on premises where the property covered is located, caused by the peril insured against;

F. Occasioned directly or indirectly by enforcement of any local or state ordinance or law regulating the construction, repair or demolition of building(s) or structure(s);

G. Caused directly or indirectly by neglect of the Insured to use all reasonable means to save and preserve the property at the time of and after an occurrence of the peril insured against by this policy.

PROPERTY COVERED

A. Building: When the insurance under this policy covers a building, such insurance shall include additions and extensions attached thereto; permanent fixtures, machinery and equipment forming a part of and pertaining to the service of the building; personal property of the insured as landlord used for the maintenance or service of the building including fire extinguishing apparatus, floor coverings, refrigerating and ventilating equipment, all while within the described building; also, materials and supplies while within an enclosed structure located on the described premises or adjacent thereto, intended for use in construction, alteration or repair of such building or appurtenant private structures on the described premises.

When the insurance under this policy covers a building used for residential purposes, the insured may apply up to 10% of the amount of insurance, applicable to such building, not as an additional amount of insurance, to cover loss to appurtenant private structures (other than the described building and additions and extensions attached thereto) located on the described premises. This extension of coverage shall not apply to structures (other than structures used exclusively for private garage purposes) which are rented or leased in whole or in part, or held for such rental or lease, to other than a tenant of the described building, or which are used in whole or in part for commercial, manufacturing or farming purposes.

B. Contents: When the insurance under this policy covers contents, coverage shall be for either household contents or other than household contents, but not for both.

1. When the insurance under this policy covers other than household contents, such insurance shall cover merchandise and stock, materials and stock supplies of every description; furniture, fixtures, machinery and equipment of every description all owned by the insured; improvements and betterments (as hereinafter defined) to the building if the insured is not the owner of the building and when not otherwise covered; all while within the described enclosed building.
2. When the insurance under this policy covers household contents, such insurance shall cover all household and personal property usual or incidental to the occupancy of the premises as a residence—except animals, birds, fish, business property, other property not covered under the provisions of this policy, and any property more specifically covered in whole or in part by other insurance including the peril insured against in this policy; belonging to the insured or members of the insured's family of the same household, or for which the Insured may be liable, or, at the option of the Insured, belonging to a servant or guest of the Insured; all while within the described building.

The Insured, if not the owner of the described building, may apply up to 10% of the amount of insurance applicable to the household contents covered under this item, not as an additional amount of insurance, to cover loss to improvements and betterments (as hereinafter defined) to the described building.

The Insured, if an individual condominum unit owner in the described building, may apply up to 10% of the amount of insurance on contents covered under this policy, not as an additional amount of insurance, to cover loss to the interior walls, floors, and ceilings that are not otherwise covered under a condominium association policy on the described building.

NFIA-8 (Ed. 7-74)

ATTACH APPLICATION AND DECLARATIONS FORM HERE

APPENDIX A
(2) GENERAL PROPERTY

This Company shall not be liable for loss in any one occurrence for more than:

(a) $500.00 in the aggregate on paintings, etchings, pictures, tapestries, art glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass or bric-a-brac);

(b) $500.00 in the aggregate on jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, articles of gold, silver or platinum and furs or any article containing fur which represents its principal value.

3. When the insurance under this policy covers improvements and betterments, such insurance shall cover the Insured's used interest in improvements and betterments to the described building.

(a) The term "improvements and betterments" wherever used in this policy is defined as fixtures, alterations, installations, or additions comprising a part of the described building and made, or acquired, at the expense of the Insured exclusive of rent paid by the Insured, but which are not legally subject to removal by the Insured.

(b) The word "lease" wherever used in this policy shall mean the lease or rental agreement, whether written or oral, in effect as of the time of loss.

(c) In the event improvements and betterments are damaged or destroyed during the term of this policy by the peril insured against, the liability of this Company shall be determined as follows:

(1) If repaired or replaced at the expense of the Insured within a reasonable time after such loss, the actual cash value of the damaged or destroyed improvements and betterments.

(2) If not repaired or replaced within a reasonable time after such loss, that proportion of the original cost at time of installation of the damaged or destroyed improvements and betterments which the unexpired term of the lease at the time of loss bears to the period(s) from the date(s) such improvements and betterments were made to the expiration date of the lease.

(3) If repaired or replaced at the expense of others for the use of the Insured, there shall be no liability hereunder.

C. Debris Removal: This insurance covers expense incurred in the removal of debris of or on the building or contents covered hereunder, which may be occasioned by loss caused by the peril insured against in this policy.

The total liability under this policy for both loss to property and debris removal expense shall not exceed the amount of insurance applying under this policy to the property covered.

PROPERTY NOT COVERED

This policy shall not cover:

A. Accounts, bills, currency, deeds, evidences of debt, money, securities, bullion, manuscripts or other valuable papers or records, numismatic or philatelic property.

B. Fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water; or personal property in the open.

C. Land values; lawn, trees, shrubs or plants, growing crops, or livestock; underground structures or underground equipment; and those portions of walks, driveways and other paved surfaces outside the foundation walls of the structure.

D. Automobiles; any self-propelled vehicles or machines, except motorized equipment not licensed for use on public thoroughfares and operated principally on the premises of the Insured; watercraft or aircraft.

E. Contents specifically covered by other insurance except for the excess of value of such property above the amount of such insurance.

DEDUCTIBLES

A. With respect to loss to the building or debris removal covered hereunder, this Company shall be liable for only the amount of loss in any one occurrence which is in excess of (a) $200. or (b) 2% of the amount of loss to the building, whichever is the greater.

B. With respect to loss to contents or debris removal covered hereunder, this Company shall be liable for only the amount of loss in any one occurrence which is in excess of (a) $200. or (b) 2% of the amount of loss to the contents, whichever is the greater.

GENERAL CONDITIONS AND PROVISIONS

A. Pair and Set Clause—If there is loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

B. Concealment, Fraud—This entire policy shall be void if, whether before or after a loss, the Insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto.

C. Other Insurance—This Company shall not be liable for a greater proportion of any loss, less the amount of deductible, from the peril of flood than the amount of insurance under this policy bears to the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property, or which would have covered the property except for the existence of this insurance, whether collectible or not.

In the event that the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property exceeds the maximum amount of insurance permitted under the provisions of the National Flood Insurance Act of 1968, or any acts amendatory thereof, it is hereby understood and agreed that the insurance under this policy shall be limited to a proportionate share of the maximum amount of insurance permitted on such property under said Act, and that a refund of any extra premium paid, computed on a pro rata basis, shall be made by this Company upon request in writing submitted not later than 2 years after the expiration of the policy term during which such extra amount of insurance was in effect.

"Excess Insurance" as used herein shall be held to mean insurance of such part of the actual cash value of the property as is in excess of the maximum amount of insurance permitted under the said Act with respect to such property.

D. Added and Waiver Provisions—The extent of the application of insurance under this policy and of the contribution to be made by this Company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this Company relating to appraisal or to any examination provided for herein.

E. Cancellation of Policy or Reduction in Amount of Insurance—This policy may be cancelled at any time at the request of the Insured, in which case this Company shall, upon demand and surrender of this policy, refund the excess of paid premiums above the customary short rates for the expired time; provided, however, that the premium paid for the then current policy term shall be fully earned if the Insured retains an interest in the property covered at the location described in the application and declarations form.

The amount of insurance under this policy may be reduced at any time at the request of the Insured, in which case this Company shall, upon demand, refund the excess of paid premiums above the customary short rates for the expired time for the amount of the reduction; provided, however, that the premium paid for the then current policy term shall be fully earned to the extent that the Insured retains an interest in the property covered at the location described in the application and declarations form.

This policy may be cancelled by this Company for non-payment of the premium by giving to the Insured a 20-days' written notice of cancellation.

F. Conditions Suspending or Restricting Insurance—Unless otherwise provided in writing added hereto, this Company shall not be liable for loss occurring while the hazard is increased by any means within the control or knowledge of the Insured, provided, however, this insurance shall not be prejudiced by any act or neglect of any person (other than the Insured), when such act or neglect is not within the control of the Insured.

G. Alterations and Repairs—Permission is granted to make alterations, additions and repairs, and to complete structures in course of construction. In the event of loss hereunder, the Insured is permitted to make reasonable repairs, temporary or permanent, provided such repairs are confined solely to the protection of the property from further damage and provided further that the Insured shall keep an accurate record of such repair expenditures. The cost of any such repairs directly attributable to damage by the peril insured against shall be included in determining the amount of loss hereunder. Nothing herein contained is intended to modify the policy requirements applicable in case loss occurs, and in particular the requirement that in case loss occurs the Insured shall protect the property from further damage.

H. Property of Others—Unless otherwise provided in writing added hereto, loss to any property of others covered under this policy shall be adjusted with the Insured for the account of the owners of said property, except that the right to adjust such loss with said owners is reserved to this Company. Any such insurance under this policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

I. Liberalization Clause—If during the period that insurance is in force under this policy, or within 45 days prior to the inception date thereof, on behalf of this Company there be adopted under the National Flood Insurance Act of 1968, or any acts amendatory thereof, any forms, endorsements, rules or regulations by which this policy could be extended or broadened, without additional premium charge, by endorsement or substitution of form, then such extended or broadened insurance shall inure to the benefit of the Insured hereunder as though such endorsement or substitution of form had been made.

J. Statutory Provisions—Any terms of this policy which are in conflict with the statutes of the State wherein the property is located are hereby amended to conform to such statutes, except that in cases of conflict with applicable Federal law or regulation, such Federal law or regulation shall control the terms of this policy.

K. Loss Clause—Payment of any loss under this policy shall not reduce the amount of insurance applicable to any other loss during the policy term which arises out of a separate occurrence of the peril insured against hereunder; provided, that all loss arising out of a continuous or protracted occurrence shall be deemed to constitute loss arising out of a single occurrence.

APPENDIX A (2) GENERAL PROPERTY

L. Mortgage Clause (Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declarations form attached to this policy.)—

Loss, if any, under this policy, shall be payable to the aforesaid as mortgagee (or trustee) as interest may appear under all present or future mortgages upon the property described in which the aforesaid may have an interest as mortgagee (or trustee), in order of precedence of said mortgages, and this insurance, as to the interest of the mortgagee (or trustee) only therein, shall not be invalidated by any act or neglect of the mortgagor or owner of the described property, nor by any foreclosure or other proceedings or notice of sale relating to the property, nor by any change in the title or ownership of the property, nor by the occupation of the premises for purposes more hazardous than are permitted by this policy; provided, that in case the mortgagor or owner shall neglect to pay any premium due under this policy, the mortgagee (or trustee) shall, on demand, pay the same.

Provided, also, that the mortgagee (or trustee) shall notify this Company of any change of ownership or occupancy or increase of hazard which shall come to the knowledge of said mortgagee (or trustee) and, unless permitted by this policy, it shall be noted thereon and the mortgagee (or trustee) shall, on demand, pay the premium for such increased hazard for the term of the use thereof; otherwise this policy shall be null and void.

If this policy is cancelled by this Company, it shall continue in force for the benefit only of the mortgagee (or trustee) for 20 days after written notice to the mortgagee (or trustee) of such cancellation and shall then cease, and this Company shall have the right, on like notice, to cancel this agreement.

Whenever this Company shall pay the mortgagee (or trustee) any sum for loss under this policy and shall claim that, as to the mortgagor or owner, no liability therefor existed, this Company shall, to the extent of such payment, be thereupon legally subrogated to all the rights of the party to whom such payment shall be made, under all securities held as collateral to the mortgage debt, or may, at its option, pay to the mortgagee (or trustee) the whole principal due or to grow due on the mortgage with interest, and shall thereupon receive a full assignment and transfer of the mortgage and of all such other securities; but no subrogation shall impair the right of the mortgagee (or trustee) to recover the full amount of said mortgagee's (or trustee's) claim.

M. Mortgagee Obligations—If the Insured fails to render proof of loss, the named mortgagee (or trustee), upon notice, shall render proof of loss in the form herein specified within 60 days thereafter and shall be subject to the provisions of this policy relating to appraisal and time of payment and of bringing suit.

N. Loss Payable Clause
(Applicable to contents item only and effective only when a loss payee is named In Application and Declarations Form.)

Loss, if any, shall be adjusted with the Insured and shall be payable to the Insured and loss payee as their interests may appear.

O. Requirements in Case of Loss—The Insured shall give written notice, as soon as practicable, to this Company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged property and put it in the best possible order. Within 60 days after the loss, unless such time is extended in writing by this Company, the Insured shall render to this Company a proof of loss, signed and sworn to by the Insured, stating the knowledge and belief of the Insured as to the following: the time and origin of the loss, the interest of the Insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss. The Insured, at the option of this Company, may be required to furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed, and verified plans and specifications of any building, fixtures or machinery destroyed or damaged.

The Insured, as often as may be reasonably required, shall exhibit to any person designated by this Company all that remains of any property herein described, and submit to examinations under oath by any person named by this Company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this Company or its representative, and shall permit extracts and copies thereof to be made.

P. Appraisal—In case the Insured and this Company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on request of the Insured or this Company, such umpire shall be selected by a judge of a court of record in the State in which the insured property is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this Company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

Q. Company's Options—It shall be optional with this Company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within 30 days after the receipt of the proof of loss herein required.

R. Abandonment—There shall be no abandonment to this Company of any property.

S. When Loss Payable The amount of loss for which this Company may be liable shall be payable 60 days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss is made either by agreement between the Insured and this Company expressed in writing or by the filing with this Company of an award as herein provided.

T. Action Against the Company No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within 12 months next after the date of mailing of notice of disallowance or partial disallowance of the claim. An action on such claim against the Company may be instituted, without regard to the amount in controversy, in the United States District Court for the district in which the property shall have been situated.

U. Subrogation—In the event of any payment under this policy, this Company shall be subrogated to all of the Insured's right of recovery therefor against any party, and this Company may require from the Insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company. The Insured shall do nothing after loss to prejudice such right; however, this insurance shall not be invalidated should the Insured waive in writing prior to a loss any or all right of recovery against any party for loss occurring to the described property.

IN WITNESS WHEREOF, this Company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized representative of this Company.

W. R. Williams

Attorney-In-Fact for the Insurance Companies
Members of National Flood Insurers Association

SPECIAL PROVISIONS

A. A list of all Insurance Companies members of the National Flood Insurers Association is on file in the office of the State Insurance Department of the State where the property covered is located and a copy may be obtained upon request from the office of the National Flood Insurers Association, 160 Water Street, New York, N. Y. 10038.

B. All notices or other communications required by this policy to be given to the Company shall be given to the Servicing Company designated on the Application and Declarations Form attached to this policy, and such notice shall be considered to constitute notice to the Company.

9.1 PREMIUM NOTICE (PAYOR)—NFIA-50—50-A

Approximately one and a half months before expiration of a policy for which the NFIA is able to determine rates and calculate renewal premiums, the payor (insured or mortgagee) is sent a premium notice advising him of the approaching expiration and specifying renewal premium amounts. The bottom of the form is a detachable renewal stub to be returned to the NFIA with the premium. Instructions for preparing the form are printed on its back. Samples of the front and back of the form are presented below and on the following page. NFIA-50A, marked "Agent's Copy," is sent to the agent at the same time as the premium notice is sent to payor; it is identical to the payor's copy.

NATIONAL FLOOD INSURANCE PREMIUM NOTICE

POLICY NR: SERVICE COMPANY: DATE:

IMPORTANT – YOUR CURRENT FLOOD INSURANCE POLICY WILL EXPIRE
SEE REVERSE FOR INSTRUCTIONS

A Shows your current level(s) of insurance and the total premium due to renew your insurance at these levels.

B Due to increased repair and replacement costs, it is recommended that you consider increasing your amount of building insurance as shown (see replacement cost provision of your policy). If you elect this option for the next annual term your renewal premium would be as shown.

		AMOUNT OF INSURANCE	PAYABLE PREMIUM
A	BUILDING CONTENTS		
			TOTAL DUE
		AMOUNT OF INSURANCE	PAYABLE PREMIUM
B	BUILDING CONTENTS		
			TOTAL DUE

PAYOR NAME & MAILING ADDRESS

LOCAL AGENT NAME & MAILING ADDRESS

NFIA-50

PAYOR COPY

DETACH HERE

NATIONAL FLOOD INSURANCE RENEWAL FORM

DETACH HERE

POLICY NR: PLAN: COMPANY NR: COMMUNITY: ZONE:

RENEWAL EFFECTIVE DATE: RENEWAL EXPIRATION DATE:

1. CHECK EITHER A OR B FOR DESIRED AMOUNT OF INSURANCE.
2. DETACH THIS RENEWAL FORM AND RETURN IT WITH CHECK OR MONEY ORDER PAYABLE TO NATIONAL FLOOD INSURERS ASSOCIATION FOR THE EXACT AMOUNT SHOWN IN A OR B.
3. WE REQUEST YOUR RENEWAL PREMIUM PAYMENT BE MADE PRIOR TO

TOTAL RENEWAL PREMIUM DUE	COMPANY USE
A ☐	
B ☐	

MORTGAGEE KEY

AGENT NUMBER

NATIONAL FLOOD INSURERS ASSOCIATION
P.O. BOX 2768
ARLINGTON, VA. 22202

INSURED NAME & MAILING ADDRESS

If you have any questions or wish to change your amount of insurance to other levels than in B shown above, CONTACT YOUR LOCAL AGENT.

NATIONAL FLOOD INSURANCE COPY

NFIA-50

APPENDIX C (1)

Regular Flood Insurance Program
Application and Declarations Form
(For Use Only With the Flood Insurance Policy)

R REGULAR FLOOD INSURANCE PROGRAM

Insurance Companies Members of National Flood Insurers Association (In Cooperation with the U.S. Government)

Insurance is provided only (1) against the peril of flood as defined in the policy to which this form is attached, (2) with respect to those items specifically described herein and for which a specific amount of insurance is shown below, and (3) for the policy term specified below; and, unless otherwise provided, all conditions and provisions of this form and of the policy to which it is attached shall apply separately to each item covered.

Important Notices: This Policy does not cover loss resulting from a flood or mudslide occurrence already in progress on the date of this application. It is a condition of this insurance that property is not in violation of any Flood Plain Law or Ordinance.

Space for Agent's Name and Mailing Address (Sticker)

Policy No. FL

RENEWAL: YES ☐ NO ☐ (IF RENEWAL, USE SAME NUMBER)

Insured's Name and Mailing Address
Number, Street, City or Town, County, State, Zip Code)

Policy Term 1 Year, from _____ to _____
Inception (Mo. Day Yr.) Expiration (Mo. Day, Yr.)

12:01 AM. Standard Time at location of the property involved, and thereafter for successive policy terms of 1 year, provided the then current premium payable by the Insured for each successive policy term is paid prior to the expiration of the then current policy term, and if not so paid this policy shall then terminate; provided, however, with respect to any mortgagee (or trustee) named below, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 20 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

Community # _____ FIRM Zone # _____

ITEM NO.	AMOUNT OF INSURANCE	RATES AND PREMIUMS — ACTUARIAL RATES	ACTUARIAL PREMIUMS	PAYABLE BY THE INSURED RATES	PAYABLE BY THE INSURED PREMIUMS
	a) First Layer b) Second Layer		Check Box ☐ If $15 Expense Constant Included.	a) Payable b) Actuarial	
1. Bldg.	a) $ _____ b) $ _____ $ _____ Total	_____ _____	$ _____ ☐ $ _____ $ _____ Total	a) _____ b) _____	a) $ _____ ☐ b) $ _____ $ _____ Total
2. Conts.	a) $ _____ b) $ _____ $ _____ Total	_____ _____	$ _____ ☐ $ _____ $ _____ Total	a) _____ b) _____	a) $ _____ ☐ b) $ _____ $ _____ Total
Notice: The Premium for this Policy has been subsidized by the U.S. Government under the National Flood Insurance Act.			$ _____	**Grand Total Premium Payable By Insured →**	$ _____

Description and Location of Property Covered
(Location same as mailing address above unless otherwise indicated)

Occupied as _____
Located at _____

On Contents consisting principally of _____
in the Enclosed Building Described Above ☐: or _____
Located at _____

Loss Payee (Contents): _____

INSERT NAME(S) AND MAILING ADDRESS(ES)

Mortgagee (Building): Insert name(s) and Mailing Address(es) _____

Mortgagee pays new and renewal ☐ renewal only ☐

Base Flood Elevation from FIRM = _____
First Floor Elevation — Certify = _____
Dift. Plus (+) or Minus (—) To Nearest Foot = _____

Does Insured Qualify as "Small Business?" Yes ☐ No ☐

Is Structure Single Family ☐; 2-4 Family ☐; Other Residential ☐; All Other ☐

Is This a Motel or Hotel Structure with normal occupancy of less than six (6) Months? Yes ☐ No ☐

Is this "New Construction or Substantial Improvement"? Yes ☐ No ☐

Date New Construction or Substantial Improvement started _____

Is structure within ☐ corporate limits or ☐ unincorporated area of county.

One Story — Basement	☐	No Basement ☐
Two or more Stories — Basement	☐	No Basement ☐
Split Level — Basement	☐	No Basement ☐
Mobile Home on Foundation	☐	

Check only one box

Masonry walls-slab foundation	☐
Masonry walls-other foundation	☐
All other walls-slab foundation	☐
All other walls-other foundation	☐

Contents Rated as:	Residential	All Other
All in Basement —	☐	☐
All on First Floor —	☐	☐
All on First Two Floors —	☐	☐
All on First Floor & Basement —	☐	☐
All on First Two Floors & Basement —	☐	☐
All above First Floor —	☐	☐
All in Mobile Home on Foundation	☐	☐

_____ DATE OF APPLICATION

The above statements are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Sec. 1001.

_____ SIGNATURE OF INSURED OR AGENT

Agent's Tax Number _____

Agent Certifies that following matters have been discussed with insured:
1) That loss already in progress on date of application is not covered;
2) Advantages of insuring the single family dwelling to at least 80% of the replacement cost of structure, at the time of loss.

TO BE COMPLETED BY N.F.I.A. SERVICING OFFICE

SERVICING COMPANY NAME AND ADDRESS

COUNTERSIGNATURE DATE — AUTHORIZED REPRESENTATIVE

NFIA-2 (Ed. 7-74)

INSURED'S COPY

APPENDIX C (2)

Emergency Flood Insurance Program
Application and Declarations Form
(For Use Only With the Flood Insurance Policy)

EMERGENCY FLOOD INSURANCE PROGRAM

Insurance Companies Members of National Flood Insurers Association (In Cooperation with the U.S. Government)

Insurance is provided only (1) against the peril of flood as defined in the policy to which this form is attached, (2) with respect to those items specifically described herein and for which a specific amount of insurance is shown below, and (3) for the policy term specified below; and, unless otherwise provided, all conditions and provisions of this form and of the policy to which it is attached shall apply separately to each item covered.

Important Notices: This Policy does not cover loss resulting from a flood or mudslide occurrence already in progress on the date of this application. It is a condition of this insurance that property is not in violation of any Flood Plain Law or Ordinance.

RENEWAL: YES ☐ NO ☐
(IF RENEWAL, USE SAME NUMBER)

Space for Agent's Name and Mailing Address (Sticker)

Policy No. FL

Insured's Name and Mailing Address
(Number, Street, City or Town, County, State, Zip Code)

_____
_____
_____
_____

Policy Term 1 Year, from _____ **to** _____
Inception (Mo. Day Yr.) Expiration (Mo. Day Yr.) 12:01 AM (Standard Time) at location of the property involved, and thereafter for successive policy terms of 1 year, provided the then current premium payable by the Insured for each successive policy term is paid prior to the expiration of the then current policy term, and if not so paid this policy shall then terminate; provided, however, with respect to any mortgagee (or trustee) named below, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 20 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

Community # _____ Property in Zone A? Yes ☐ No ☐

ITEM NO.	AMOUNT OF INSURANCE	RATE	PREMIUM	DESCRIPTION AND LOCATION OF PROPERTY COVERED (Location same as mailing address above unless otherwise indicated)
1. Bldg.	$_____	_____	$_____	Occupied as _____ Located at _____
2. Contr.	$_____	_____	$_____	On Contents consisting principally of _____ in the Enclosed Building Described Above ☐; or Located at _____ Loss Payee (Contents): _____ INSERT NAME(S) AND MAILING ADDRESS(ES)
Notice: The Premium for this Policy has been subsidized by the U.S. Government under the National Flood Insurance Act.		**Total Premium →**	$_____	

Mortgagee (Building): Insert Name(s) and Mailing Address(es) _____

Mortgagee pays new and renewal ☐ renewal only ☐

Does insured qualify as "Small Business" Yes ☐ No ☐

Is structure Single Family ☐; 2—4 Family ☐; Other Residential ☐; All other ☐

Is this a Motel or Hotel Structure with normal occupancy of less than six (6) months? Yes ☐ No ☐

Is this "New Construction or Substantial Improvement"? Yes ☐ No ☐

Date New Construction or Substantial Improvement started _____

Is structure within ☐ corporate limits or ☐ unincorporated area of county.

One Story—Basement	☐	No Basement ☐
Two or More stories—Basement	☐	No Basement ☐
Split Level—Basement	☐	No Basement ☐
Mobile Home on Foundation	☐	

Masonry walls-slab foundation	☐
Masonry walls-other foundation	☐
All other walls-slab foundation	☐
All other walls-other foundation	☐

Check only one box

Contents Rated as	Residential	All Other
All in Basement	☐	☐
All on First Floor	☐	☐
All on First Two Floors	☐	☐
All on First Floor & Bsmt.	☐	☐
All on First Two Floors & Bsmt.	☐	☐
All Above First Floor	☐	☐
All in Mobile Home on Foundation	☐	☐

TO BE COMPLETED BY N.F.I.A. SERVICING OFFICE

SERVICING COMPANY NAME AND ADDRESS

COUNTERSIGNATURE DATE — AUTHORIZED REPRESENTATIVE

_____
DATE OF APPLICATION

The above statements are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Sec. 1001.

_____
SIGNATURE OF INSURED OR AGENT

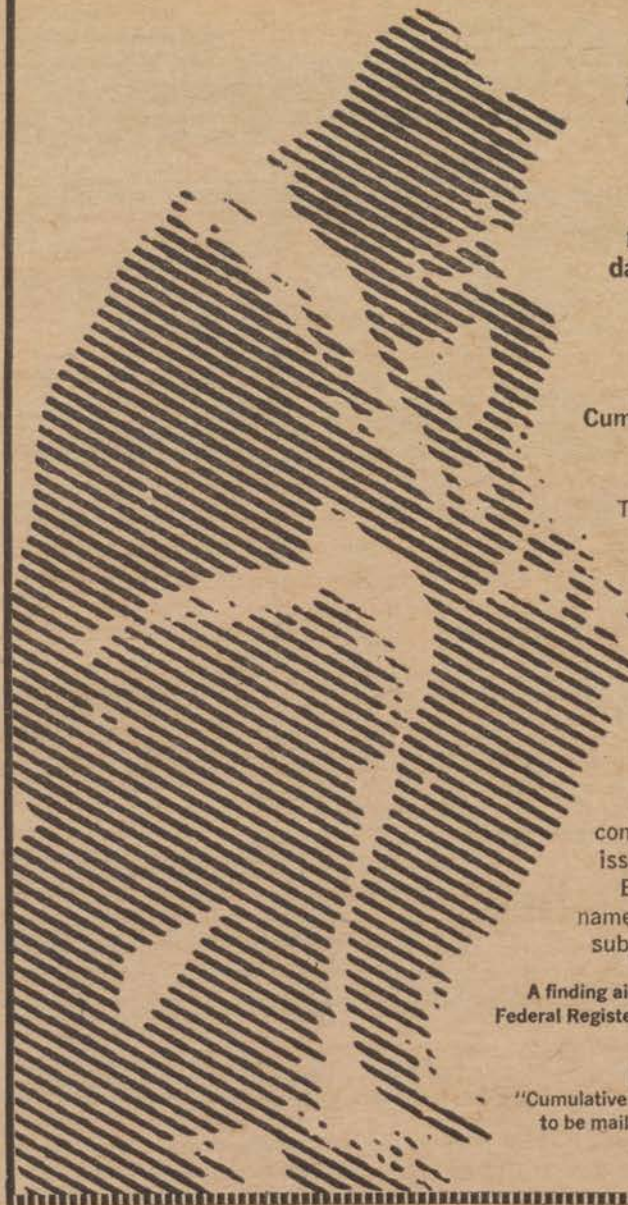
Agent's Tax Number _____

Agent Certifies that following matters have been discussed with insured:
1) That loss already in progress on date of application is not covered;
2) Advantages of insuring the single family dwelling to at least 80% of the replacement cost of structure, at the time of loss.

NFIA-4 (Ed. 7-74)

INSURED'S COPY

[FR Doc.76-24757 Filed 8-23-76;8:45 am]



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